By Mr. THURSTON: A bill (H. R. 3684) granting a pension to Alberta Lutman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3685) granting a pension to Nancy J. Moon; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 3686) granting an increase of pension to Mary Wallace; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

608. By Mr. FULLER: Petition of sundry citizens from the State of Arkansas, opposing the proposed calendar change of weekly cycle; to the Committee on Foreign Affairs.

609. By Mr. GARBER of Oklahoma: Petition of the Ridenour-Baker Mercantile Co., Oklahoma City, Okla., protesting against the enactment of House bill 6, amending section 2 of the statute defining and taxing oleomargarine by including in it products not heretofore known or classified as oleomargarine; to the Committee on Agriculture.

SENATE

WEDNESDAY, *June 5, 1929*

(Legislative day of Tuesday, June 4, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the Vice President:

H. J. Res. 61. Joint resolution to amend the appropriation "organizing the Naval Reserve, 1930";

H. J. Res. 82. Joint resolution making appropriations for additional compensation for transportation of the mail by railroad routes in accordance with the increased rates fixed by the Interstate Commerce Commission;

H. J. Res. 84. Joint resolution extending until June 30, 1930, the availability of the appropriation for enlarging and relocating the Botanic Garden; and

H. J. Res. 92. Joint resolution to provide an appropriation for payment to the widow of John J. Casey, late a Representative from the State of Pennsylvania.

INTERNATIONAL PAPER & POWER CO.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, submitting, in further response to Senate Resolution 53, amended statements concerning the owners and publishers of certain newspapers as filed with the department, pursuant to law, on April 1, 1929, which, with the accompanying papers, was ordered to lie on the table and to be printed as part 2 of Senate Document No. 11.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Commerce:

CALIFORNIA LEGISLATURE,
ASSEMBLY CHAMBER,
FORTY-EIGHTH SESSION,
Sacramento.

Assembly Joint Resolution 8

Chapter 45

Assembly Joint Resolution 8, relative to memorializing Congress for Federal aid in the construction of a breakwater in Trinidad Harbor at or near the city of Trinidad, Calif.

Whereas the development of harbor facilities, deep-water harbors, and ports of refuge on the long coast line of California is of vital importance to the welfare of the State and the Nation; and

Whereas such facilities and ports are necessary to water-borne commerce, which is rapidly increasing on the Pacific coast; and

Whereas natural harbors along more than 750 miles of California coast line are limited to a few in number as compared to the Atlantic seaboard, and development of these harbors is extremely important to the ever-increasing productivity of the State; and

Whereas the city of Trinidad, Calif., is now seeking Federal assistance in the construction of a breakwater in Trinidad Bay for the development and improvement of a deep-water harbor which will serve as an outlet for the commerce and industry that will follow the development of northwestern California, with its millions of dollars worth of untouched and undeveloped natural resources; and

Whereas improvements made in Trinidad Harbor would facilitate the shipping of commerce to and from the tributary territory: Now, therefore, be it

Resolved by the assembly and the senate jointly, That the Legislature of the State of California joins with the city of Trinidad in respectfully urging and requesting Federal assistance in this important project and the adoption by the Congress of the United States of appropriate legislation for the appropriation of the requisite funds to aid in the construction of said proposed breakwater; and be it further

Resolved, That the chief clerk of the assembly be, and he is hereby, directed to transmit copies of these resolutions to the President of the United States, to the Secretary of War of the United States, the Secretary of the Navy of the United States, and to each of the Members of the Senate and House of Representatives.

EDGAR C. LEVEY,
Speaker of the Assembly.

Attest:

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on the Library:

CALIFORNIA LEGISLATURE,
ASSEMBLY CHAMBER,
FORTY-EIGHTH SESSION,
Sacramento.

Assembly Joint Resolution 13

Chapter 39

Assembly Joint Resolution No. 13, relative to the California State Fair and the Western States Exposition

Whereas the seventy-fifth anniversary of the State fair of California is to be celebrated at Sacramento between the dates of August 31 and September 9, 1929, both dates inclusive; and

Whereas said annual State fair is to be held at Sacramento between said dates in conjunction with the Western States Exposition: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That President Herbert Hoover and Mrs. Hoover be, and they are hereby, invited and most respectfully urged to attend the California State Fair and Western States Exposition at Sacramento, upon some convenient date or dates during the continuance thereof; and be it further

Resolved, That a suitably engrossed copy of this resolution be delivered to President and Mrs. Hoover and to each Senator and Representative in Congress from California.

(Introduced by Hon. Roy J. Nielsen.)

EDGAR C. LEVEY,
Speaker of the Assembly.

Attest:

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Agriculture and Forestry:

CALIFORNIA LEGISLATURE,
ASSEMBLY CHAMBER,
FORTY-EIGHTH SESSION,
Sacramento.

Assembly Joint Resolution 16

Chapter 77

Assembly Joint Resolution No. 16, relating to resurvey of north boundary of Hoopa Indian Reservation and modification of Klamath River fish and game district initiative act

Whereas the Klamath River is the principal source of supply of salmon and steelhead trout spawn for artificial propagation of those species of food fishes in the State of California; and

Whereas the people of the State of California, by initiative act passed at the general election in November, 1924, ordained that the waters of the Klamath River were, and would thereafter be, the Klamath River fish and game district and prohibited the construction or maintenance of any dam or other artificial obstruction within the district; and

Whereas an effort is now being made to annul said initiative act by causing the United States to resurvey the north boundary of the Hoopa Indian Reservation along the lower Klamath River so as to relocate the said north boundary at a point 26 chains north of the position it has occupied since the early eighties, thus placing several miles of the river under the jurisdiction of the Federal Government and beyond the control of the initiative act; and

Whereas if this resurvey is allowed and approved by the Department of the Interior, dams will be constructed within the area thus beyond the provisions of the initiative act and the run of salmon and steelhead trout in the Klamath River will be totally destroyed, and the

principal supply of the State's spawn will be eliminated: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby protests any change in or relocation of surveyed lines affecting in any manner the Klamath River within the State of California, as being an attempt to modify and annul the solemn act of the people of this State in creating the Klamath River fish and game district; and be it further

Resolved, That it is the sense of this resolution and of this legislature that before any approval of any change in existing surveys, or before any new surveys be approved, that a public hearing or protests already on file be held under the authority of the Department of the Interior in the manner and form prescribed by law and existing regulations, at which time all parties interested may appear and be heard; and be it further

Resolved, That copies of this resolution be forwarded the President of the United States, the Secretary of the Interior, and to all Senators and Representatives of California in Congress.

EDGAR C. LEVEY,
Speaker of the Assembly.

Attest:

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was ordered to lie on the table:

CALIFORNIA LEGISLATURE,
ASSEMBLY CHAMBER,
FORTY-EIGHTH SESSION,
Sacramento.

Assembly Joint Resolution 17

Chapter 55

Assembly Joint Resolution 17, relative to measures for farm relief pending in the Congress of the United States

Whereas the House of Representatives of the United States has enacted a measure designed to accomplish comprehensive farm relief for all parts of this country; and

Whereas there is now pending before the Senate of the United States a similar measure, to which certain amendments have been proposed which, if adopted, will exclude from the relief provisions thereof fruits and vegetables and will thus work great hardship and irreparable injury upon the producers of such products throughout the United States, and especially within the State of California; and

Whereas the production and marketing of fruits and vegetables constitute one of the most important agricultural activities of this State: Now, therefore, be it

Resolved by the assembly and senate, jointly, That the Legislature of the State of California does hereby request the Hon. HIRAM W. JOHNSON and the Hon. SAMUEL M. SHORTRIDGE, representing the people of this State in the Senate of the United States, to support the farm relief measure which has been enacted by the House of Representatives, and to use every honorable means to prevent the adoption of any amendment to the bill pending before the Senate, which would deny the same fair rights and privileges of farm relief to the growers and producers of fruits and vegetables as are to be accorded to all other agricultural industries; and be it further

Resolved, That the chief clerk of the assembly is hereby directed to transmit by telegraph, forthwith upon its adoption, copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to the Senators and Representatives from California in the Congress of the United States.

EDGAR C. LEVEY,
Speaker of the Assembly.

Attest:

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Post Offices and Post Roads:

CALIFORNIA LEGISLATURE,
ASSEMBLY CHAMBER,
FORTY-EIGHTH SESSION,
Sacramento.

Assembly Joint Resolution 19

Chapter 74

Assembly Joint Resolution 19, relative to Federal legislation for the building and maintenance of highways over public lands and Federal reservations

Whereas more than two-fifths of the area of the State of California still remains with the Federal Government as unreserved or unappropriated public land, nontaxable Indian lands, and other Federal reservations; and

Whereas these lands are not subject to taxation, and whereas the construction and maintenance of highways through and across these areas should be an obligation of the Federal Government requiring no financial cooperation on the part of the State or its subdivisions: Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the California representatives in the Congress of the United States be, and are hereby, requested to actively support legislation which will provide for appropriations by the Federal Government with which to build and maintain highways through and across unappropriated or unreserved public lands and other Federal reservations; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President, the Speaker of the House of Representatives, and to each Member of the Seventy-first Congress from the State of California.

EDGAR C. LEVEY,
Speaker of the Assembly.

Attest:

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolutions of the Legislature of the State of California, which were referred to the Committee on Immigration:

CALIFORNIA LEGISLATURE,
ASSEMBLY CHAMBER,
FORTY-EIGHTH SESSION,
Sacramento.

Assembly Joint Resolution 11

Chapter 95

Assembly Joint Resolution 11, relative to restricted immigration

Whereas the legislature of this State has consistently urged adherence by the United States to a policy of restricted immigration; and

Whereas the present absence of restriction and supervision of immigration across the southern boundary line of the United States, opens the door annually to thousands of citizens of the Republic of Mexico, to large numbers of citizens of nations under the quota who would otherwise be excluded, and to many aliens ineligible to citizenship; and

Whereas the standard of living of the great mass of citizens of the Republic of Mexico is such that no good reason exists why the citizens thereof should be given preference as to entry into the United States over the peoples of the European stocks from which the great majority of American citizens are descended; and

Whereas the influx of laborers across the Mexican border causes unfair and unjust competition to American labor, and at the same time abrogates and nullifies the beneficial results to be expected from a national policy of restrictive immigration; and

Whereas the continued unrestricted inflow of Mexican people and the rate of increase of those already here, mean the gradual replacement of the American people by those of Mexican blood; and indicate that in the near future the populations of the Southern and Western States of the United States will become predominantly Mexican: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the legislature of this State protests against a continuance of the present unrestricted immigration from the Republic of Mexico; and be it further

Resolved, That the Congress of the United States be, and it is hereby, respectfully petitioned and urgently requested promptly to provide legislation placing the Republic of Mexico within the provisions of the restrictive immigration laws of the United States and providing a proper annual immigration quota therefor; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress from the State of California.

EDGAR C. LEVEY,
Speaker of the Assembly.

Attest:

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

CALIFORNIA LEGISLATURE,
ASSEMBLY CHAMBER,
FORTY-EIGHTH SESSION,
Sacramento.

Assembly Joint Resolution 15

Chapter 81

Assembly Joint Resolution 15, relative to memorializing and petitioning Congress to enact legislation for the restriction of Filipino immigration

Whereas the policy of unrestricted immigration as an aid to cheap labor has had a tendency toward destruction of American ideals and American racial unity; and

Whereas this policy has tended to exploit the negroes, the Japanese, and the Hindus, resulting in their regulation or exclusion; and

Whereas Filipinos have not been among those excluded under the immigration laws of the United States in accordance with our national policy of restrictive immigration; and

Whereas the present absence of restriction on immigration from the Philippine Islands opens the door annually to thousands of Filipinos, causing unjust and unfair competition to American labor, and nullifying the beneficial results to be expected from a national policy of restrictive immigration: Therefore be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California earnestly petitions Congress to enact legislation which will restrict immigration from the Philippine Islands; and which will prevent all Filipinos entering the United States who are afflicted with communicable diseases; and be it further

Resolved, That the chief clerk of the assembly be, and he is hereby, directed to send copies of this resolution to each Member of the Senate and the House of Representatives of the United States.

EDGAR C. LEVEY,
Speaker of the Assembly.

Attest:

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

Mr. FLETCHER. Mr. President, I present a memorial to the Congress of the United States by the Legislature of the State of Florida requesting that legislation be enacted to place the uncompleted portions of the Gulf Coast Highway in the Federal 7 per cent system of highways. I ask that it be printed in the RECORD without the accompanying map and referred to the Committee on Agriculture and Forestry.

The memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 18

A memorial to the Congress of the United States, requesting that legislation be enacted by said Congress to place the uncompleted portions of the Gulf Coast Highway in the Federal 7 per cent system of highways

Whereas the Gulf Coast Highway, or State Roads Nos. 10 and 15, traverses the Gulf coast of the State of Florida, touching and connecting the deep-water ports of said coast; and

Whereas, by reason of its location, it is a highway of outstanding importance to the Nation as a military road, and in the event of war would furnish access to all the deep-water ports of the Gulf coast of Florida, so as to furnish ports of embarkation, mobilization, and source of supply; and

Whereas the Federal 7 per cent system as it relates to Florida does not include the said highway: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States be, and it is hereby, memorialized and earnestly solicited to take such steps and enact such legislation as will include in the Federal 7 per cent system of highways in this State that road popularly known as the Gulf Coast Highway, extending from St. Petersburg, in Pinellas County, to Pensacola, in Escambia County, following the Gulf coast of said State, and along the routes of State Roads Nos. 10 and 15, and such other and further legislation as may be necessary to authorize and direct the United States Bureau of Public Roads to participate in the construction of the uncompleted portions of said highway; be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state, and under the great seal of the State, to the Secretary of War, with the request that he approve and concur in the request herein made; be it further

Resolved, That copies of this memorial, under the great seal of the State, be transmitted by the secretary of state to the Speaker of the House of Representatives of Congress, to the Vice President of the United States as President of the United States Senate, and to each of the Members of the Senate and House of Representatives from Florida, as Members of the said Congress; be it further

Resolved, That a map of the State of Florida, showing the location of Roads Nos. 10 and 15, and indicating the uncompleted sections of these roads, and also showing the deep-water ports reached by the Gulf Coast Highway, accompany this memorial.

Approved by the governor, May 31, 1929.

STATE OF FLORIDA,
OFFICE OF SECRETARY OF STATE.

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Senate Concurrent Resolution No. 18, as passed by the legislature, session 1929, approved by the governor, and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 1st day of June, A. D. 1929.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

Mr. TRAMMELL. Mr. President, I desire the RECORD to show that I received a resolution similar to that submitted by my colleague, but in view of the fact that he has presented it I shall withhold the memorial which was sent to me.

CONFIRMATION OF JOSEPH P. COTTON

Mr. BORAH. Mr. President, from the Committee on Foreign Relations I submit a report and ask unanimous consent for its immediate consideration as in open executive session.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The Chief Clerk read as follows:

Joseph P. Cotton, of New York, to be Undersecretary of State, vice J. Reuben Clark, jr., resigned.

Mr. NYE. Mr. President, may I ask the Senator from Idaho if this is a unanimous report from the committee?

Mr. BORAH. It is.

The VICE PRESIDENT. Is there objection to the consideration of the nomination as in open executive session? The Chair hears none. Without objection, the nomination is confirmed, and the President will be notified.

Mr. WHEELER subsequently said: Mr. President, this morning the name of Joseph P. Cotton to be Undersecretary of State was reported by the Foreign Relations Committee. A rather unusual practice was followed, I understand, in that when the nomination came in it was not sent to the calendar at all, but was immediately confirmed, when only a very few Senators were present. A special open executive session was held for the purpose of confirming him.

In view of the unusual practice that was followed in the matter and because of certain statements that have been made to me, which I think ought to be investigated before the nominee is confirmed, I ask for a reconsideration of the vote by which he was confirmed this morning, and that the nomination be brought back to the Senate and placed upon the Executive Calendar.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Montana desire to make a motion or a unanimous-consent request?

Mr. WHEELER. I ask unanimous consent that that may be done, Mr. President.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the vote by which the nomination of Joseph P. Cotton for Undersecretary of State was confirmed be reconsidered. Is there objection? The Chair hears none; and inasmuch as the nomination has not passed out of the possession of the Senate, it will be returned to the Executive Calendar.

Mr. WATSON. Mr. President, I should like to suggest that this is the first fruit of open executive sessions.

Mr. WHEELER. Mr. President, in answer to what the Senator from Indiana has just stated, I simply wish to say that we are still operating under the old rules of the Senate. They have not been changed, and the same thing could be done at any time.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 1374) granting a pension to Baury Bradford Richardson; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 1375) granting an increase of pension to Annie M. Gemmill (with accompanying papers); to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 1376) for the relief of Athanasios Metaxiotis (with accompanying papers);

A bill (S. 1377) for the relief of Charles C. J. Wirz (with accompanying papers);

A bill (S. 1378) for the relief of Juan Anorbe (with accompanying papers);

A bill (S. 1379) for the relief of Steadman Martin (with accompanying papers);

A bill (S. 1380) for the relief of Frank Guelfi (with accompanying papers);

A bill (S. 1381) for the relief of Rudolph Ponevacs (with accompanying papers); and

A bill (S. 1382) for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership (with accompanying papers); to the Committee on Claims.

By Mr. DENEEN:

A bill (S. 1383) for the relief of William J. McKenna; to the Committee on Military Affairs.

By Mr. TYDINGS:

A bill (S. 1384) to authorize and direct the Federal Trade Commission to investigate the practices of chain-store organizations; to the Committee on the Judiciary.

A bill (S. 1385) to establish a national board of painting and sculpture and to provide for an annual competition for American painters and sculptors; to the Committee on the Library.

(By request.) A bill (S. 1386) to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

A bill (S. 1387) for the relief of Paymaster Charles Robert O'Leary, United States Navy (with an accompanying paper);

A bill (S. 1388) for the relief of Clarence Joseph Deutsch; and

A bill (S. 1389) to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material; to the Committee on Naval Affairs.

A bill (S. 1390) to amend an act entitled "An act placing certain noncommissioned officers in the first grade," approved March 3, 1927;

A bill (S. 1391) authorizing the President to order Maj. E. P. Duval before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

A bill (S. 1392) to amend chapter 2515 of the acts of the Fifty-ninth Congress, providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States;

A bill (S. 1393) authorizing the President of the United States to present in the name of Congress a Congressional Medal of Honor to Capt. Edward V. Rickenbacker; and

A bill (S. 1394) to readjust the pay of certain commissioned personnel of the Army; to the Committee on Military Affairs.

A bill (S. 1395) to amend the World War veterans' act, as amended; and

A bill (S. 1396) to amend section 641 of the act approved May 19, 1924, entitled "World War veterans' relief," providing for the payment of a certificate upon certain conditions; to the Committee on Finance.

A bill (S. 1397) to amend the act of March 3, 1915, by extending to the widows or dependents of naval officers and enlisted men who die and to enlisted men who are disabled as a result of submarine accidents the same pensions as are allowed in the case of aviation accidents;

A bill (S. 1398) granting a pension to Lucretia Hogg;

A bill (S. 1399) granting an increase of pension to Laney M. Darkey;

A bill (S. 1400) granting an increase of pension to Carrie E. Costinett;

A bill (S. 1401) granting a pension to Alice E. Taylor;

A bill (S. 1402) granting an increase of pension to Annie Florence Henrix (with accompanying papers); and

A bill (S. 1403) renewing a pension to Sophy Davis; to the Committee on Pensions.

A bill (S. 1404) for the relief of Emily Patrick;

A bill (S. 1405) for the relief of Emma Gregory;

A bill (S. 1406) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, and the Bethel Cemetery Co. (with an accompanying paper);

A bill (S. 1407) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold;

A bill (S. 1408) for the relief of J. F. Eline;

A bill (S. 1409) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of R. H. Lansdale;

A bill (S. 1410) for the relief of John Edward Flowers;

A bill (S. 1411) to carry out the provisions of the Court of Claims in the case of Martha J. Briscoe, widow of John A. Briscoe; and

A bill (S. 1412) for the relief of Stanislaus Siemek; to the Committee on Claims.

By Mr. PHIPPS:

A bill (S. 1413) to amend section 2 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, as amended; to the Committee on Post Offices and Post Roads.

By Mr. WATSON (for Mr. ROBINSON of Indiana):

A bill (S. 1414) authorizing the appointment and retirement as a captain, United States Army, of J. C. Lewis; to the Committee on Military Affairs.

A bill (S. 1415) granting compensation to DeForest McLin; and

A bill (S. 1416) granting compensation to Grace Rohrer; to the Committee on Finance.

AMENDMENT TO TARIFF BILL—GIVING OF BOND BY OWNER OR MASTER OF VESSEL UNDER SECTION 3115 OF THE REVISED STATUTES

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was referred to the Committee on Finance and ordered to be printed.

NATIONAL-ORIGINS CLAUSE OF IMMIGRATION ACT

Mr. HASTINGS. Mr. President, I desire to offer an amendment, in the nature of a substitute, to Senate bill 151, which proposes to repeal the national-origins provision of the immigration act of 1924. I ask that the amendment may be printed in the RECORD and referred to the Committee on Immigration.

In connection with the amendment I should also like to have printed in the RECORD a table showing the quotas as they would appear if the amendment should be adopted.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Without objection, the amendment will be received, printed in the RECORD, and referred to the Committee on Immigration, and, without objection, the paper referred to will also be printed in the RECORD.

The amendment and table referred to are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That subdivision (b) of section 11 of the immigration act of 1924, as amended, is amended to read as follows:

"'(b) The annual quota of any nationality for the fiscal year beginning July 1, 1929, and for each fiscal year thereafter, shall be (1) a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the total number of inhabitants in continental United States in 1920, or (2) 2 per cent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890. To determine which of the foregoing methods is applicable in fixing the quota of any nation, the method which produces the lesser quota shall be employed, and such lesser quota shall be the annual quota for such nation in each instance, but the minimum quota of any nationality shall be 100.'

"SEC. 2. Subdivision (e) of section 12 of such act, as amended, is amended to read as follows:

"'(e) Such officials shall, jointly, report annually to the President the quota of each nationality under subdivision (b) of section 11, together with the statements, estimates, and revisions provided for in this section. The President shall proclaim and make known the quotas so reported on or before the 1st day of July, 1929, and on or before the 1st day of April in each year thereafter, and thereafter such quotas shall continue except as otherwise provided in this act, with the same effect as if specifically stated herein, and shall be final and conclusive for every purpose.'"

Amend the title so as to read: "A bill to amend the immigration act of 1924 in respect of the numerical limitations."

Table showing immigration quotas under the 1890 basis, now operating, and the national-origins basis which will become operative unless repealed

	1890 basis, now operating	National-origins basis[1]	Lesser number under both plans
Armenia	124	100	124
Austria	785	1,413	785
Belgium	512	1,304	512
Czechoslovakia	3,073	2,874	2,874
Danzig, Free City of	228	100	228
Denmark	2,789	1,181	1,181
Estonia	124	116	116
Finland	471	569	471
France	3,954	3,086	3,086
Germany	51,227	25,957	25,957
Great Britain and North Ireland	34,007	65,721	34,007
Australia	121	100	121
The following countries are British mandates or possessions and under both the 1890 and national-origins basis of immigration are entitled to 100 each: Arabian Peninsula, British Cameroon, Nauru, New Guinea, Samoa, Southwest Africa, British Tagoland, Bhutan, India, New Zealand, Palestine, South Africa, Tanganyika (13 countries, at 100 immigrants each)	1,300	1,300	1,300

[1] According to latest official estimate.

Table showing immigration quotas under the 1890 basis, now operating, and the national-origins basis which will become operative unless repealed—Continued

	1890 basis, now operating	National-origins basis	Lesser number under both plans
Greece	100	307	307
Hungary	473	869	473
Irish Free State	28,567	17,853	17,853
Italy	3,845	5,802	3,845
Latvia	142	236	142
Lithuania	344	386	344
Netherlands	1,648	3,153	1,648
Norway	6,453	2,377	2,377
Poland	5,982	6,524	5,982
Portugal	503	440	440
Rumania	603	295	295
Russia	2,248	2,784	2,248
Spain	131	252	131
Sweden	9,561	3,314	3,314
Switzerland	2,081	1,707	1,707
Syria and the Lebanon	100	123	123
Turkey	100	226	226
Yugoslavia	671	845	671
All of the following countries are entitled to a quota of 100 immigrants each under both the 1890 and national-origins basis of immigration: Afghanistan, Andora, French Cameroon, Egypt, Iceland, Japan, Liechtenstein, Monaco, Morocco, Persia, San Marino, French Tagoland, Albania, Bulgaria, China, Ethiopia, Iraq (Mesopotamia), Liberia, Luxemberg, Muscat, Nepal, Ruanda, Siam, Yap (24 countries, at 100 immigrants each)	2,400	2,400	2,400
Total	164,667	153,714	115,288

Mr. KING. May I inquire of the Senator from Delaware whether the amendment which he has just offered relates to the national origins bill, which, if the motion submitted by the Senator from North Dakota [Mr. NYE] should prevail, would then come before the Senate?

Mr. HASTINGS. The amendment relates to that bill.

Mr. KING. If the motion to discharge the committee should prevail, and a motion should then prevail to take up the bill, would the Senator desire the amendment which is offered to be before the committee or would he not prefer it to be here on the table, so that he could offer it as an amendment?

Mr. HASTINGS. I am satisfied to have the amendment go to the committee, with the hope and belief that the committee may adopt it as a substitute for the other bill.

Mr. KING. May I say to the Senator that if the motion to discharge the committee shall prevail, I think it is the purpose of the Senator from North Dakota, and those who have associated themselves with him, to press for consideration the measure which will then be before the Senate?

Mr. HASTINGS. I understand that I should then have an opportunity to offer my amendment as a substitute for the bill?

Mr. KING. Undoubtedly. The only point that I had in mind was whether the Senator desired his amendment to be before the committee, in view of the parliamentary situation and in view of the fact that if the motion to discharge the committee shall prevail, I think, an effort will be made to have the Senate consider the entire question.

Mr. HASTINGS. I prefer to have the amendment before the committee.

The PRESIDING OFFICER. The Chair will inform the Senator from Utah that, as the Senator from Delaware [Mr. HASTINGS] has submitted an amendment, of course, he will have the right to offer the amendment at any time.

Mr. KING. Undoubtedly he could offer it even if the measure were before the committee or he could offer a similar amendment here.

Mr. HASTINGS. I desire that the committee should have an opportunity to consider the amendment.

The PRESIDING OFFICER. The amendment will be referred to the Committee on Immigration.

WESTERN STATE ENGINEERS

Mr. ODDIE. Mr. President, I present the manuscript of the First Annual Conference of the Association of the Western State Engineers, held in Salt Lake City, Utah, on October 29, 30, and 31, 1928, which I ask may be referred to the Committee on Printing, with a view of its being printed as a public document.

The Association of Western State Engineers includes the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Oklahoma, Oregon, South Dakota, Texas, Utah, and Wyoming. These are the States in which lie so much water yet to be used in irrigation and in the development of power. The adjudication and allocation of the waters in these States, including as they do the Boulder Canyon Dam project, constitute one of the most complex problems in western development.

The carefully prepared papers which were presented by the State engineers, and which were included in the report of the conference, together with the accompanying discussion, make available for the first time valuable data, information, and constructive suggestions which, if given a wide circulation, will prove very helpful to the Government and to the States in developing plans for the most effective utilization of their respective water resources.

The PRESIDENT pro tempore. Without objection, the manuscript will be referred to the Committee on Printing.

PROHIBITION ENFORCEMENT

Mr. WAGNER. Mr. President, I ask to have printed in the RECORD an article appearing in the North American Review for June entitled "The Farce of Enforcement," by Courtlandt Nicoll, a former member of the State Senate of New York.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FARCE OF ENFORCEMENT

By Courtlandt Nicoll

(The author, a prominent New York lawyer and former State senator, played a leading part in organizing the much-discussed committee of legal volunteers, which offers free legal aid to defendants coming under Senator WESLEY L. JONES'S drastic prohibition enforcement law. This action has been paralleled in other cities, has been widely assailed by dry leaders, and has added new fuel to the ever-increasing flames of prohibition controversy. Mr. Nicoll here explains his motives, suggesting that the Jones law is one of the most effective steps yet taken for the eventual nullification of the eighteenth amendment.)

"Soon the persecution itself, as is generally the case, caused the crime to spread, and it appeared in new forms. * * * For many of each sex and of every age and rank are and will continue to be suspected. The mischief has spread, not only through the cities but also through the villages and open country."

Familiar as they seem, the words quoted above were not taken from any contemporary report on prohibition conditions. They were written eighteen and a quarter centuries ago. They are extracts from a letter sent by Pliny, Governor of Bithynia, to the Emperor Trajan, asking his advice on the "enforcement" problem, in the year A. D. 104. The crime to which they refer is Christianity!

Though written so long ago, this correspondence is interesting in the light of present events. Pliny wants to know how far he should go in enforcing the law. He explains that, although he has inquired into the matter with some care and has tried to obtain "the real truth by putting to the torture two maidens, who are called deaconesses," he could not discover that the Christians did anything wrong, and that at worst they were but subject to a "perverse and excessive superstition." He states that he was, therefore, most reluctant to punish them, unless clearly convinced of their guilt in each case.

The Emperor's reply contains a valuable lesson in humanity to many who call themselves Christians. After complimenting Pliny on his attitude, and warning him to pay no attention to anonymous accusations, he says, "They [the Christians] must not be sought after."

To-day, with our land filled with Government spies, with its agents provocateurs, informers and stool pigeons trying to "seek after" and secure the harsh punishment of those who, like the Christians of antiquity, have violated the law but in doing so have done nothing wrong or dangerous to others, how calm and Christian seems the advice of the pagan Emperor!

We Americans like to see our moral precepts in the criminal law. We hang Roosevelt's words, "Hit the line hard, but play the game fair," in our boys' rooms and then amend the penal law of New York to provide that any player on a professional team who "throws" a game, shall be guilty of a felony. "So dear to heaven is saintly chastity;" consequently, illicit love is made a misdemeanor in Pennsylvania, and also in New York if either party is married. "Be ye temperate in all things;" and we have the Jones law which provides that the penalty imposed for each offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

Excellent as is the purpose of these statutes, they completely miss their aim because they represent attempts to accomplish by criminal law results which can not be attained by that means. Though occasionally used for blackmailing purposes, most of such laws are innocuous. No serious attempt to enforce them is made. They lie quietly in the penal codes of the several States, to be looked at like mottoes on the wall, stating our moral ambitions, but not to be taken too seriously.

When we try to take them seriously and enforce them, as in the case of the national prohibition act, the effort brings more evils in its train than the statute was designed to cure. Sportsmanship, clean living, and temperance can not be ensured by penal statute. The Federal Government was not created to be a moral policeman, and the criminal law is solely to protect society by punishing acts which are universally

condemned as immoral, or are necessarily dangerous to the well-being of another, or of his property. When the Federal Government steps out of bounds and tries in an alien sphere to enforce moral reforms by penal legislation, it makes a double error, and consequently, a double failure.

In Christian countries, at least, the moderate use of intoxicants is not universally condemned as immoral, nor is it so dangerous to the rights of others as to be generally regarded in the civilized world as warranting penal legislation wholly prohibiting traffic in liquor.

The eighteenth amendment and the national prohibition statute are examples of an effort to stop by penal law acts which many people wish to commit and which in themselves are not immoral or inherently dangerous to others.

History is strewn with the wrecks of such legislation, and shows no examples of its success, except for a limited period, in a restricted area, under military control. I have already referred to Christianity, which was a "bootleg" religion until the ban against it was lifted by Constantine in 311 A. D. Other instances are the laws against heresy, those against witchcraft, and the numerous "blue laws" which still encumber the statute books of many of the States.

American history furnishes two interesting examples of the failure of these efforts, each of which bears a close constitutional and legal analogy to the present prohibition situation.

The first of these was the effort to enforce the provisions of the Federal Constitution regarding the return of fugitive slaves (Art. IV, sec. 2, par. 3). Here we had a constitutional provision expressly declared by the Supreme Court to be "a fundamental article without the adoption of which the Union could not have been formed." (Prigg *v.* Pennsylvania, 16 Pet. (U. S.) 539, p. 612.) After unavailing efforts to secure the enforcement of this constitutional provision the question was finally thought settled by the adoption of the great enforcement act of 1850, providing in detail the machinery and method of its enforcement by the Federal courts in strict conformity with the Constitution of the United States. The act is known in history as the fugitive slave law.

Everything that is said to-day of the necessity of obeying the law because it is the law was said in the decade prior to the Civil War in regard to the necessity of supporting the fugitive slave law. Movements for "law enforcement" were started by leaders in religion, business, and the professions.

At the great "enforcement meeting" held in 1850 at New York Daniel Webster declared that the law, though not perfect, was the law of the land and must be enforced. "No man," he cried, "has a right to set up, or to affect to set up, his own conscience as above the law." After the rescue of a negro from a United States marshal in Boston, President Fillmore, on February 18, 1851, issued a proclamation "calling on all well-disposed citizens to rally to the support of the laws of this country," and addressed a special message to Congress on the subject, in which he said that, so far as depended on him, "the law shall be faithfully executed, * * * and to this end I am prepared to exercise, whenever it may become necessary, the power constitutionally vested in me, to the fullest extent." In the case of Ableman *v.* Booth (21 How. [U. S.] 506) the Supreme Court took a hand in the matter, declaring that "it is among the first and highest duties of a citizen * * * to yield a ready obedience to the law" (p. 525). Both political platforms in 1852 contained "law enforcement" planks, the Democratic plank declaring:

"The statute, being designed to carry out an express provision of the Constitution, can not, with fidelity thereto, be repealed or so changed as to destroy or impair its efficiency. * * *"

This declaration was received with such uproarious enthusiasm by the convention that it had to be read twice.

But "enforcement" had no better success in those years than it has to-day. People in the Northern States thought the acts prohibited by the fugitive slave law neither wrong nor injurious and openly violated it. As to-day, Members of Congress privately violated the law to which they gave their support in public. I quote from The Anti-Slavery Crusade, by May (Yale University Press, 1920, p. 135): "The Ohio Senator, who, in his lofty preserve at the Capitol of his country, could discourse eloquently of his readiness to keep faith with the South in the matter of the faithful execution of the fugitive slave law, became, when at home with his family, a flagrant violator of the law."

In the South, of course, where the law was but the expression of public opinion, it worked smoothly and well, but the inability of the Federal Government to enforce it roused the ire of the slave States. "Worthless," "impotent," "a nuisance," were some of the epithets hurled at Washington by the law-abiding South.

Following the Civil War came the second great effort to enforce constitutional provisions by Federal laws penalizing acts which many considered neither wrong nor injurious. By the fourteenth and fifteenth amendments the negroes were guaranteed civil and political rights equal in all respects to those of the white inhabitants. The efforts of the Government to secure these rights culminated in the statute known as the enforcement act of 1870. Senator Schurz explained the purpose of this act, as follows: "In other words, neither a State nor an individual shall deprive any citizen, on account of race or color, of the free exercise of his right to participate in the functions of self-government, and the National Government assumes the duty to prevent the commission of the crime and to correct the consequences when committed."

In the years when the Federal authorities tried to enforce this law, with the aid, by the way, of the Army, the country passed through another era of "law-enforcement" meetings, clogged court calendars, prosecutions ending nowhere, and a general spirit of lawlessness in those parts of the country where the law was not supported by public opinion.

Since 1878, when President Hayes withdrew the Army from the Southern States, no serious effort has been made by the Federal Government to enforce these provisions of its own Constitution. The brave words of the Republican platform of 1876 pledging the party to secure "to every citizen complete liberty and exact equality in the exercise of all civil, political, and public rights" had, by the year 1928, dwindled to a plank pledging it to discourage negro lynchings!

And, curiously enough, the most ardent champion of "law enforcement" in our decade explicitly approved the nullification of these constitutional amendments. William Jennings Bryan declared in New York in 1908, "The white man of the South has disfranchised the negro in self-protection, and there is not a Republican in the North who would not have done the same thing under the same circumstances."

"No man has the right to set up, or affect to set up, his own conscience as above the law."

Looking back through history, would the people who hold this point of view to-day have been for "law enforcement" when Christianity was a crime? Would they have been for the enforcement of the laws against heresy and witchcraft? Would they have denied to America the right to independence? Would they have sent the slave back to his master, or shackled the South with negro domination, supported by military power? I think not.

As Seward replied to Webster, "There is a higher law than the Constitution."

What is going to happen? More laws? Larger appropriations? Heavier penalties? They amount to nothing. "It is useless," as Calvin Coolidge said, "to attempt to dragoon the body when the need is to appeal to the soul," and the soul can not be terrorized into obedience, or persuaded to it, by the plea that it must uphold the law. As Pliny pointed out, "persecution * * * causes a crime to spread." People who are conscious of no moral wrong resent being held in restraint, and intelligence revolts at the command to consider acts wrong or harmful when the common experience of mankind proves that they are neither.

The fact is that the Federal Government, in prohibition matters, is like a huge battleship in shallow waters, manned by a disloyal crew and engaged in a guerrilla warfare against an outwardly friendly but secretly rebellious people. Her fighting ability is not increased by heavier armor, larger cannon, additions to her personnel, or by hoisting more flags, though they lessen her maneuvering ability. Once in a while one of her great guns goes off, hits the mark, and a man or woman goes to jail. But mighty as she is, she is powerless, because not used for the purpose for which she was constructed.

The first thing to do is to get the ship into deep water again; that is, to take the National Government out of the shoals of trying to secure an ambitious moral reform by the enforcement of a criminal law enacted by a government of limited power. When the temperate people are convinced that their objective can not be obtained by Federal penal legislation, no matter how many laws they pass or how severe they make them, we will have accomplished the first step toward a reform of the present conditions.

Fortunately, the Jones law, placing heavier penalties on certain acts made criminal by the national prohibition statute, has created a situation whereby the country may be impressed with the futility of the whole effort. Raising the penalties has taken the manufacture, sale, and transportation of intoxicants out of the misdemeanor class and placed them in the class with such felonies as arson and manslaughter in the lower degrees. Under the Federal Constitution, as well as under those of most of the States, persons accused of such serious offenses must go through the formality of a grand jury indictment, followed by a trial before a petit jury of 12 men, and a unanimous verdict is necessary to a conviction. (United States Constitution, Art. III, and Amendments V and VI.)

The sixth amendment also provides that any person accused of a crime shall have other important rights, among which is the right to "have the assistance of counsel for his defense."

Taking advantage of these provisions promptly after the Jones law was approved, I organized with several other lawyers in New York a committee or group of legal volunteers. Our purpose was to see that those who under the Jones law faced loss of citizenship, in addition to heavy fines and imprisonment, should have that legal assistance which they might not otherwise be able to obtain, but which is expressly guaranteed by the Constitution. When a man who in violating the law has done no wrong, inflicted no injury on another, can not pay a lawyer to defend himself, we supply one for him without charge from our list of volunteers.

We are not proceeding in opposition to the Constitution, but in direct conformity with it. Our appeal is only to the courts and juries established by the Constitution, but we propose to see that the legal and constitutional rights of those committed to our care are adequately protected, and in so doing strike a telling blow at the hypocrisy and corruption that masquerade under the name of prohibition.

The grand juries before which these accused individuals come for indictment and the petit juries before which they must come for trial are composed of ordinary citizens. Some of them buy intoxicants, others drink them whenever they have a chance, and still others, who neither buy nor drink liquor, have among their acquaintances many reputable men and women who do so without being conscious of moral guilt.

I have great confidence in these juries. They are the bulwarks of liberty. It was due to the failure of the grand juries to indict and of petit juries to convict that the laws against heresy and witchcraft became obsolete long before their eventual repeal. The inability of the Federal prosecutors to secure indictments and convictions under "the enforcement act of 1870" resulted in making the fourteenth and fifteenth amendments impotent to accomplish the results for which they were intended. When in England the theft of anything of the value of 1 shilling or over was punishable by death, it was the petit juries which secured the repeal of these cruel provisions by repeatedly finding that the property stolen was not worth that much, irrespective of how great its actual value might be. It is recorded that in one case, when exactly 1 shilling in currency was stolen, the jury found the value to be 11 pence ha'penny, just under the limit, thus cheating the gallows of their victim.

A fundamental part of the judicial system, the jury is a law unto itself, and gives expression to the opinion of the average man on what is right and what is wrong. It can not be disciplined for failure to follow the guidance of the prosecuting attorney or the suggestions of the court. Few juries, I am confident, will deprive a man of his citizenship and place him in jeopardy of a large fine and a long term in prison, when, judged by the common standards of mankind, he has done nothing wrong or dangerous to another. They are fully aware that "there is a higher law than the Constitution"—the law of humanity and common sense. They realize that the only reason the defendant stands before them charged with crime is that on one or two occasions he failed to distinguish between an individual like themselves and a spy in the employ of the Government.

For, unlike action under most of the criminal laws, there are practically no prosecutions in prohibition cases except on manufactured evidence. By this I do not mean that the evidence is untrue, but practically always it is the agents of the Government who cause the crime to be committed of which they subsequently accuse the defendant. Moreover, if asked their name and business, they never tell the truth. They do not say, "We are spies employed and financed by the Government to buy liquor from you in order to obtain evidence to convict you of a felony"; they pass themselves off as one of the millions of ordinary thirsty Americans who merely want a drink. I quote from the cross-examination of a Government spy in a prohibition case in the United States Court for the Southern District of New York:

"Q. So you lied to her [the defendant], didn't you?

"A. Yes, sir.

"Q. Most of the stories you told were untrue, weren't they?

"A. Yes, sir.

"Q. Trying to make a criminal out of her, weren't you? Yes or no.

"A. Yes, sir."

Lying and seduction to crime are the preliminaries to a prosecution under the prohibition laws.

"But otherwise," says the prosecutor, "we could make no arrests." True enough, no doubt; but falsehood and inducing another to commit felony make an incongruous foundation for what was intended as a great moral reform; and what is more, the juries readily grasp that point.

The grand jury of Kings County, N. Y., drawn from "the City of Churches," petitioned for the repeal of the New York State enforcement act when it was in effect on account of its corrupting influence. So far no similar action on behalf of the Federal grand juries has been drawn to my attention, but there are rumors that enforcement officials are not having a happy time with their cases before the juries in many parts of the country.

With the failure of the grand juries to indict, or a series of acquittals by the petit juries, the eighteenth amendment and its "enforcement acts" will join the fourteenth and fifteenth amendments and the "enforcement act of 1870" in our museum of legal history. They may be used intermittently for blackmail, but the wholesale hypocrisy and corruption that are the necessary by-products of a great effort to secure moral reform by criminal law will disappear, and America will eventually be free to follow the lead of other temperate nations in the treatment of problems created by the ever-existing traffic in intoxicants.

CALL OF THE ROLL

Mr. NYE obtained the floor.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. NYE. I yield.

Mr. WATSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McNary	Smoot
Ashurst	Glenn	Metcalf	Steck
Barkley	Goff	Moses	Steiwer
Bingham	Greene	Norbeck	Swanson
Blease	Harris	Norris	Thomas, Idaho
Borah	Harrison	Nye	Thomas, Okla.
Bratton	Hastings	Oddie	Townsend
Broussard	Hatfield	Overman	Trammell
Burton	Hawes	Patterson	Tydings
Capper	Hayden	Phipps	Tyson
Connally	Heflin	Pine	Vandenberg
Couzens	Howell	Pittman	Wagner
Cutting	Johnson	Ransdell	Walcott
Dale	Kean	Reed	Walsh, Mass.
Deneen	Keyes	Sackett	Walsh, Mont.
Dill	King	Sheppard	Warren
Edge	La Follette	Shortridge	Waterman
Fletcher	McKellar	Simmons	Watson
Frazier	McMaster	Smith	Wheeler

Mr. HEFLIN. My colleague the junior Senator from Alabama [Mr. BLACK] is absent on account of illness.

Mr. LA FOLLETTE. I announce the unavoidable absence of my colleague the junior Senator from Wisconsin [Mr. BLAINE]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present.

AMENDMENT OF TRADING WITH THE ENEMY ACT

Mr. NYE. Mr. President, the Senator from Utah [Mr. SMOOT] has a measure in charge which, I understand, will not provoke any debate. Therefore I yield to him with that understanding, in order that he may present it.

Mr. SMOOT. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House bill 3083, which was up for consideration last night, but was not passed because of the necessity for securing certain information. I have that information now from the department and I shall give it to the Senate. I am quite sure that then there will be no objection to the passage of the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. HEFLIN. Mr. President, we have not yet heard in this part of the Chamber what the Senator is talking about.

Mr. SMOOT. I am asking unanimous consent that the unfinished business be temporarily laid aside for the purpose of taking up House bill 3083, to amend subsection (a) of section 26 of the trading with the enemy act. Last evening in the discussion there were a number of questions asked which I could not answer in detail. I submitted those questions to the Treasury Department and I have a report in detail from that department. I am quite sure that when it is submitted to the Senate there will be no objection to the bill.

Mr. HEFLIN. The junior Senator from Montana [Mr. WHEELER] is, I understand, interested in the measure. He is not at this moment in the Chamber. Is he satisfied with the information the Senator now has?

Mr. SMOOT. I have not seen the junior Senator from Montana, but I have submitted the information to the senior Senator from Montana [Mr. WALSH] and explained the items in question.

Mr. HEFLIN. As I understand, the Senator's investigation of the matter since yesterday convinces him that under the House bill which he asks unanimous consent that the Senate shall now consider, the measure will not result in the payment of any interest whatsoever by the Treasury of the United States?

Mr. SMOOT. That is absolutely correct. I have all the information in detail and I would like to place it in the RECORD.

Mr. McKELLAR. I hope the Senator will have it put in the RECORD.

Mr. SMOOT. I shall do so.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House bill 3083?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3083) to amend subsection (a) of section 26 of the trading with the enemy act, as amended by the settlement of war claims act of 1928, so as to authorize the allocation of the unallocated interest fund in accordance with the records of the Alien Property Custodian, and it was read, as follows:

Be it enacted, etc., That the second sentence of subsection (a) of section 26 of the trading with the enemy act, as amended by the settlement of war claims act of 1928, is amended by striking out the words "average rate of," so that the sentence will read: "Such allocation shall be based upon the earnings (determined by the Secretary of the Treasury) on the total amounts deposited under section 12."

Mr. SMOOT. Mr. President, I would like to have Senators now give attention to the measure. I secured this information from the Treasury Department this morning, and not only that, but I have checked it up myself as to dates, and so forth.

During the discussion in the Senate yesterday some question was raised as to the practice of the office of the Alien Property Custodian in depositing funds in the banks, and also as to the amount of interest which was being paid upon the funds deposited in the Treasury by the Alien Property Custodian.

I am advised that each of the Alien Property Custodians—Mr. Garvin, Mr. Palmer, and Mr. Miller—followed the practice of depositing with banks throughout the country funds coming into their hands. The interest upon these deposits has been paid to the Alien Property Custodian. This practice, however, ceased when Mr. Hicks became Alien Property Custodian and since that time all funds are deposited at once in the Treasury.

The pending bill, however, has nothing to do with this situation. It relates solely to the disposition of the interest earned upon the funds deposited in the Treasury by the Alien Property Custodian. These funds were invested by the Secretary of the Treasury in bonds and notes and other securities of the United States. Prior to March 4, 1923, the earnings upon these investments remained in the Treasury and were reinvested. After that date they have been paid directly into the trust and returned to the owners, under the Winslow Act.

The pending bill relates solely to the earnings accumulated prior to March 4, 1923, and the earnings upon those earnings down to the present time. The bill provides for the proper distribution of these earnings. It costs the United States nothing. The earnings belong to the owners of the property and must be distributed to them.

For the information of the Senate, I will state that the average rate of earnings by quarters is as follows: For the quarter ending March 15, 1927, 4.155 per cent; September 15, 1927, 3.535 per cent; March 15, 1928, 3.627 per cent; September 15, 1928, 3.496 per cent; March 15, 1929, 2.825 per cent.

Of course, the reduction of the amount of earnings has depended upon the price of the bonds at the time they were invested and the income from those bonds on the basis of the price paid. I wish to say further that in the Alien Property Custodian act as it passed the Senate it was provided that the interest should begin at the time the money was deposited with the Alien Property Custodian. This will make no difference whatever as to that, and what I have stated is all the change proposed to be made in the existing law. I hope that the bill may be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 1648) to amend section 5 of the second Liberty bond act, as amended; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAWLEY, Mr. TREADWAY, Mr. BACHARACH, Mr. GARNER, and Mr. COLLIER were appointed managers on the part of the House at the conference.

AMENDMENT OF SECOND LIBERTY BOND ACT

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 1648) to amend section 5 of the second Liberty bond act, as amended, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. WATSON, Mr. REED, Mr. SIMMONS, and Mr. HARRISON conferees on the part of the Senate.

NATIONAL-ORIGINS CLAUSE OF THE IMMIGRATION ACT

The Senate resumed the consideration of the resolution (S. Res. 37) submitted by Mr. NYE April 23, 1929, as follows:

Resolved, That the Committee on Immigration be discharged from the further consideration of the bill (S. 151) to repeal the national-origins provisions of the immigration act of 1924.

Mr. FLETCHER. Mr. President, I ask unanimous consent to have inserted in the RECORD an article which appeared in last Sunday's New York Times, by Guy Irving Burch, on the subject of national origins.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From the New York Times, June 2, 1929]

NATIONAL-ORIGINS PLAN HELD TO BE SOUNDEST IN PRINCIPLE—MODIFICATION OF PRESIDENT'S POSITION IS CITED AS INDICATING FALLACY OF THE "ALIEN AND ARBITRARY" 1890 SYSTEM

To the EDITOR OF THE NEW YORK TIMES:

We have just finished reading Prof. Albert Bushnell Hart's excellent article on the National Origins Immigration Law, in the June issue of Current History. Professor Hart has given a very comprehensive picture of immigration restriction in this country, but as the national origins and 1890 basis of restriction are rival plans before Congress and the American people, we had hoped that the professor would give more space to a consideration of the relative merits of these two plans by going into the official documentary evidence as given in the most recent hearings before the Senate.

In the second paragraph on page 481 of Current History, Professor Hart tells us that the 1921 law limited "immigration from each country to 3 per cent of the people born in each country who were living in the United States at the time of the census of 1910." The professor continues: "In 1924 this percentage was changed to a basis of such persons enumerated in the United States in 1890." Here he says "a basis," but he does not tell us that the 3 per cent was also changed to 2 per cent.

CALCULATION OR ESTIMATE

There are certain other points in Professor Hart's article that might tend to confuse those less familiar with immigration restriction than himself. Let us consider one of the most important. Professor Hart says:

"The difficulty of the national-origins plan is that it is necessarily based not on recorded numbers but on calculations."

To grasp the full significance of this statement it should be remembered that there are two rival plans before Congress for consideration, and that evidence against one is, in an indirect way, evidence for the other. Now, if it is fair to say that the national-origins plan is based upon calculations, it is also fair to say that the 1890 plan is based upon estimates. Perhaps it would be fairer to both plans to say that there is an element of calculation in the one and an element of estimate in the other, or to use the words of the chairman of the committee of experts, "there is a pretty large element of estimate in the 1890 basis." (Senate hearings, 1928, p. 12.)

THE QUESTION OF ACCURACY

But if we wish to get at the real basis of both plans it is only fair to state that the 1890 plan is based exclusively upon 8,000,000 foreign born in this country in 1890, while the national-origins plan is based upon 89,000,000 both native and foreign born white population in this country in 1920. From these facts it should be evident to all that the former plan is alien in character and arbitrary in principle, and that the latter plan would have to be ridiculously inaccurate not to represent the American people better than the former. But we have the qualified expert testimony of Samuel W. Boggs, secretary of the quota board, that the national-origins quotas "are, taken as a whole, at least as accurate as the present quotas. Many of the quotas are more accurate." (Senate hearings, 1929, p. 8.)

We also have the testimony of Dr. Joseph A. Hill, chairman of the committee of experts appointed by the three Secretaries to work out both quota systems, "that no proposition has been brought to my attention that seems to me fairer than this one of national origin." And when Doctor Hill was asked if the 1890 basis reflected with "any accuracy the proportion of nationalities that now exist in the United States," he answered: "No, indeed; it does not." (Senate hearings, 1928, p. 17.)

APPROVED BY SCIENTISTS

Nor does the qualified expert testimony end here. In 1927, 47 of the leading scientists of this country signed a memorial to the President, the Senate, and the House of Representatives which urged the prompt putting into effect of the national-origins provision because it "is sound in principle and fair to all elements in the population." (Senate hearings, 1929, pp. 160–161.)

Against this testimony and the evidence in the Senate hearings we have, however, the authority of Mr. Hoover, who was one of the three Secretaries who appointed the committee of experts. But as it was brought out in the Senate hearings this year (p. 17) by Mr. Boggs, the three Secretaries "never sat with our committee," and thus Mr. Hoover is not qualified as an expert on this problem. That Mr. Hoover now realizes this fact and wishes to modify his position as gracefully as possible is shown by the fact that he no longer recommends repeal of national origins but merely suspension, and has recently kept silent even about suspension. Certainly Mr. Hoover has a right to modify his posi-

tion on this subject, because even Prof. Roy L. Garis, the author of the 1890 plan, has now come over to national origins. One of the greatest services Congress could do for Mr. Hoover and the American people is to let the alien and arbitrary 1890 plan die a natural death to be superseded by the national-origins provision, which "is sound in principle and fair to all elements in the population."

GUY IRVING BURCH.

MAY 28, 1929.

Mr. NYE. Mr. President, on the day before yesterday when discussing national origins as the basis of immigration quotas, I recited a comparison of the quotas which are being granted to the various quota countries under the prevailing basis of immigration quotas with that which would exist were the national-origins clause to be accepted and become effective on July 1 of this year, as it will in the event of the failure of Congress to respond to the wishes of the President and to repeal it. However, there has not been incorporated in the RECORD during the course of my remarks the actual table showing that comparison, and I ask that that table may be incorporated in the RECORD at this point.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. NYE. I yield.

Mr. NORRIS. I ask the Senator if he has reference to the same table as the one on the wall of the Chamber?

Mr. NYE. No; the table to which I refer shows the comparison of quotas that would prevail under the existing basis and under the proposed national-origins basis for all the countries that are involved in immigration quotas. The table on the wall concerns only 8 or 10 countries.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota that the table to which he refers be incorporated in the RECORD?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Table showing immigration quotas under the 1890 basis, now operating, and the national-origins basis which will become operative unless repealed

	1890 basis, now operating	National-origins basis [1]
Armenia	124	100
Austria	785	1,413
Belgium	512	1,304
Czechoslovakia	3,073	2,874
Danzig, Free City of	228	100
Denmark	2,789	1,181
Estonia	124	116
Finland	471	569
France	3,954	3,086
Germany	51,227	25,957
Great Britain and North Ireland	34,007	65,721
Australia	121	100
The following countries are British mandates or possessions, and under both the 1890 and the national-origins basis of immigration are entitled to 100 each: Arabian Peninsula, British Cameroon, Nauru, New Guinea, Samoa, Southwest Africa, British Tagoland, Bhutan, India, New Zealand, Palestine, South Africa, Tanganyika (13 countries, at 100 immigrants each)	1,300	1,300
Gerece	100	307
Hungary	473	869
Irish Free State	28,567	17,853
Italy	3,845	5,802
Latvia	142	236
Lithuania	344	386
Netherlands	1,648	3,153
Norway	6,453	2,377
Poland	5,982	6,524
Portugal	503	440
Rumania	603	295
Russia	2,248	2,784
Spain	131	252
Sweden	9,561	3,314
Switzerland	2,081	1,707
Syria and the Lebanon	100	123
Turkey	100	226
Yugoslavia	671	845
All of the following countries are entitled to a quota of 100 immigrants each under both the 1890 and national-origins basis of immigration: Afghanistan, Andora, French Cameroon, Egypt, Iceland, Japan, Liechtenstein, Monaco, Morocco, Persia, San Marino, French Tagoland, Albania, Bulgaria, China, Ethiopia, Iraq (Mesopotamia), Liberia, Luxemberg, Muscat, Nepal, Ruanda, Siam, Yap (24 countries, at 100 immigrants each)	2,400	2,400
Total	164,667	153,714

[1] According to latest official estimates.

Mr. NYE. Mr. President, on Monday when discussing this question I made reference to the suggestion of hyphenated Americanism that has entered into the propaganda in support of the national-origins clause, and gave notice that I should desire to speak upon that subject on the following day. The situation yesterday, however, did not offer an opportunity for me to continue my remarks, and so at this time I want to state that the propaganda which has been sent forth endeavors to make it appear that many of those, indeed I might say almost all of those, who are advocates of the repeal of the national-origins clause of the immigration act are not of a high patriotic type of American citizens, rather that they are hyphenated Americans. I say that to question one's patriotism in this controversy is nothing short of cowardly. I do not say that such charges have been made here on the floor, but in the propaganda which has been disseminated they have been repeatedly made. I have before me an advertisement taken from a recent edition, the edition of May 21, of the Chicago Tribune over the signature of the Immigration Restriction Association of America, and I want to read from that advertisement one paragraph, as follows:

The bulk of the opposition to national origins was and is of hyphenated inspiration and organization. Two kinds of hyphenates are involved—(1) those opposed to all restrictions who want to knock out national origins as the first step toward breaking down all restriction, and (2) those somewhat unassimilated groups who desire to retain for the nation of their derivation the special privileges they are enjoying under the present temporary 1890 "foreign-born" (and quite un-American) quotas. Both groups are people whose bodies are in America but whose hearts are in Europe.

Then I find at the end of the same advertisement this language:

How long will you tolerate foreign propaganda as an agency in molding American legislation? The time has come for the American people to end hyphenism.

Let Washington hear from the American people—

I want to remind the Senate that this advertisement appears in the Chicago Tribune, an Illinois paper—

Let Washington hear from the American people. Write or wire to-day the President of the United States and your Senators, CHARLES S. DENEEN and OTIS F. GLENN, that you are opposed to the repeal or suspension of the national-origins clause of the immigration act of 1924.

Keep America American!

Mr. President, I repeat that in many respects propaganda of this kind is cowardly, because it is a well-known fact that there are many men and many women and many organizations whose Americanism is not in any degree questioned, who are heart and soul in this cause to repeal the national-origins clause in the immigration act of 1924.

Mr. GLENN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. NYE. I yield.

Mr. GLENN. How large an advertisement is that which the Senator from North Dakota has just read?

Mr. NYE. It is at least a full half page.

Mr. GLENN. The net result, so far as I am concerned, has been, I think, about four letters from Illinois.

Mr. NYE. I thank the Senator. What he says is highly complimentary to the people of Illinois who are reading this sort of propaganda.

I might call attention to the fact that an officer of the association represented here is one Demarest Lloyd, who played a rather prominent part in the hearings conducted by the Committee on Immigration of the Senate; and it is rather interesting to follow Mr. Lloyd's argument as advanced in the course of his presentation to the Senate committee. On pages 31, 32, and 33 of the record of that hearing I find at various places this manner of language. The chairman asked Mr. Lloyd:

Do you not think that our immigration law at present has been generally acquiesced in?

Mr. LLOYD. I do not think, sir, this question has been at all understood. I think there are a great many people who are opposed to the national-origins basis, who are temporarily lending lip service to the 1890 basis; but in a great many instances those people have the objective of breaking down restriction, and as soon as you get the national origins out of the way, then those people who are rendering lip service to the 1890 basis will turn and attack it on those grounds I have mentioned.

Again, I find him saying:

We are just simply asking that this patriotic law be put into effect, because we regard that as best for restriction, and restriction is best

for the country, which is our only concern; and on that subject we invite comparisons with organizations which have appeared or will appear on the other side.

At which point I asked Mr. Lloyd:

Do you question the patriotism of the two late candidates for President of the United States?

Mr. Lloyd replied:

No, sir.

I asked again:

Do you not suppose there might have been some real, genuine, patriotic reason that caused them to advocate the repeal of the national-origins clause?

To which Mr. Lloyd responded:

I would not say that it was a patriotic reason.

Mr. President, the question of patriotism is involved in more issues than in this one, of course, and it is raised generally on the part of people who do not approve what others are doing. If they can not agree with what one is proposing or what one is endeavoring to accomplish, immediately it becomes the easiest thing in the world to say, "Well, his patriotism is not beyond reproach." Mr. President, I insist that those who are endeavoring to bring about the repeal of the national-origins clause of the immigration act are as patriotic as are those who insist that we must not alter, must not change, the status which will permit the national-origins provision of the immigration act to become effective on July 1 of this year.

The Immigration Restriction League, to which the Chicago Tribune advertisement to which I have just referred has further reference, is also responsible for the little folder which I have before me. It is not dated, but is a very recent argument. In it I find language further indicating the narrowness of not all of those but many of those who, like Mr. Lloyd, are insisting that we must not repeal the national-origins clause. They are exceedingly narrow when they resort to language of this kind. And I find Mr. Lloyd's name connected with this particular pamphlet, from which I continue to read:

Like thieves in the night—

Like thieves in the night—

ready to slay, if necessary, to accomplish their purpose of taking something that does not belong to them, so we find many of our un-Americanized residents still fighting national origins and urging its repeal, even though it is admittedly the fairest method ever devised. They would even repeal all immigration laws if connivance, political trickery, and other questionable methods could bring it about. It is the same crowd that always opposes restrictive legislation. Line them up, read their records, and you will find them to be thoroughly anti-American and proforeign on immigration matters.

I submit, Mr. President, that propaganda of that kind is cowardly, for the attempt is made to place under a cloud of suspicion those who propose to repeal the national-origins clause of the immigration act. So much for that.

I want to say now that there has been some little effort made—and it has accomplished results in some quarters, I find—to appeal to the American public and prevail upon them to believe that the national-origins clause of the immigration act is a clause which is aimed to do away with slackers here in the United States, as we came to know slackers during the late war. At page 76 of the hearings before the committee I find this language:

During the World War 2,000,000 persons resident in America of foreign birth claimed exemption under the draft because of their alienage. Yet, should we continue to base our quotas upon the foreign-born population, the countries of which these slackers are natives would be allowed to send additional immigrants to America on their account, although no account would be taken in immigration quotas of the native-born Americans who responded so admirably to the call of their country.

The same witness declared:

The issue can be brought squarely between patriotism and slackerism—shall slackerism be represented in selecting our immigration over patriotism?

So I submit again, Mr. President, that the patriotism of men who dare to speak in opposition to the retention of the national-origins clause of the immigration act is questioned.

I presume that every Member of this body has close contact with that element of people who have been brought under this cloud of suspicion. Not all Senators, however, have had the same contact with them that is afforded those of us who reside in the Northwest and have a wide acquaintance with the class of people who are either foreign born or are the children of foreign-born parents, who have gone into the Northwest and made it largely what it is to-day. Its progress, its general well-being, its development, its community life, have all been made what they are by that very element of people who are now brought under this cloud of suspicion and whose patriotism is questioned.

I had occasion 10 or 12 years ago to observe the nature and the measure of patriotism which flowed from that very class of people when their country most needed their services, and I can not recall the sacrifices that were then made, the things that were done by foreign-born parents, the sacrifices made by them and the sacrifices made by their children, without feeling that at least this charge of lack of patriotism is deserving of severe challenge.

There were slackers, Mr. President, in the late World War, but I have not seen the advocates of national origins demonstrating who they were and from what countries these slackers came during the late war. They have not endeavored to show in any sense or in any manner what specific country contributed these slackers. I insist that there were slackers in the late war, but there is nothing to demonstrate that those slackers came from the countries which are being penalized and which are being discriminated against under the national-origins clause contained within the immigration act. Until that is done let us not aim to accomplish legislation that is going to do away with slackers and is going to cut off immigration from those countries which contributed the slackers in other days.

Mr. President, if we are going to base immigration quotas upon a patriotic basis, if we are going to endeavor to accomplish limitation of immigration from slacker countries, I think it at least interesting to raise the question at this time as to what the result might have been in the late war, during the draft, had the United States declared war against Great Britain instead of against Germany. Would the proportion of slackers, or the proportion in numbers of people who were claiming exemption because of lineage, have been one iota different than it was under the circumstances that then prevailed? I believe not. If we are going to make this matter of immigration a question of patriotism, and if we are going to base immigration quotas upon figures and upon facts that are going to bring us the kind of people who have rallied most patriotically to the cause of their country in times past, then, I say, let us go back to the late war, if you will, to the World War. Let us take all the names that appear upon the rolls of the United States Army during that period. Let us trace the nativity of all of those boys, of all of those men; and I venture to say that the quotas of immigration that would be derived from such a study would be altogether different from what is disclosed under the national-origins basis of immigration quotas.

But if we are going to be really patriotic, why stop at the World War? Why not go back to that war which gave us life as a nation? Why not go back to that war which gave us origin as a nation? Why not go back to that very period when the matter of national origins first became a reality? If we do, Mr. President, if we do go back to the Revolutionary War period, and take the rolls of the Continental Army, of Washington's Army, trace the nativity of that army, and base immigration quotas upon those statistics, we are going to admit for the most part, under such a basis of quotas, Irishmen, and Irishmen alone; because the records of the Revolutionary War period disclose, if they disclose anything at all, that the people who rallied to the cause of the Colonies and who saved a prolonging of that war were the Irish people. I have figures here to-day which I want to use to demonstrate the point I am endeavoring to make.

Of course it is impossible to go back to the record of enlistments in the late war and to trace the nativity or the national origin of each one of the men who fought in that war. It is impossible for the very reason that it is impossible, and has been demonstrated to be impossible, for more than a very small part of the Members of the United States Senate to determine what their national origin is.

A very energetic newspaper correspondent some months ago, during the past winter, endeavored to ascertain the national origin of Members of this body. She waited personally upon the Members of the Senate, and could not succeed; she came nowhere near succeeding in ascertaining what the national origin of Members of this body was. And yet here we are, under the national-origins clause, attempting to determine what percentage of our population to-day traces its ancestry to this country, that country, or the other country!

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maryland?

Mr. NYE. I yield to the Senator.

Mr. TYDINGS. I do not wish to take issue with the Senator in his argument; but it seems to me that the Senator has just

made a statement which contradicts a previous statement. He said a moment ago that a large number of those who saved the outcome of the Revolutionary War were Irish, or of Irish extraction. Then he said it was difficult to tell the nationality of those engaged in the Revolutionary War. It seems to me that if the figures for the Irish could be obtained, the figures for the other nationalities engaged in that struggle could also be obtained.

Mr. NYE. But, Mr. President, I have not maintained that the facts which have been dug up with relation to the Irish in the Revolutionary War are in any measure complete or in any measure accurate.

Mr. TYDINGS. I do not wish to disparage or belittle the services of the Irish in that war; but I was interested in knowing how the Senator could know how one nationality had contributed to it and not know the proportion that other nationalities had contributed.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Arizona?

Mr. NYE. I yield.

Mr. ASHURST. In the latter part of the year 1778 and in the early part of the year 1779, during our American Revolution, there was dissatisfaction in England, and especially in Parliament, with reference to some of the movements of the British officers.

Severe strictures were made in Parliament against Sir William Howe, of the British forces on the American Continent, and a parliamentary investigation was had.

Joseph Galloway, who had been for some 12 years speaker of the House of Delegates or the House of Assembly of the Pennsylvania Legislature, was called upon to testify before a joint committee of the two houses of Parliament. His testimony was published in the Royal Gazette, then printed by James Rivington, printer to the King, and in the issue of the Royal Gazette of Wednesday, October 27, 1779, an original of which is in the Congressional Library, the following testimony was given by Mr. Galloway:

Q. That part of the rebel army that enlisted in the service of the Congress, were they chiefly composed of natives of America or were the greatest part of them English, Scotch, and Irish?

Mr. Galloway answered as follows:

A. The names and places of their nativity being taken down, I can answer the question with precision. There was scarcely one-fourth natives of America; about one-half Irish; and the other fourth were English and Scotch.

Mr. NYE. Mr. President, I have upon my desk that evidence, which I had expected to offer at an opportune moment.

Mr. ASHURST. I am sorry I anticipated the Senator.

Mr. NYE. I thank the Senator, though, for making reference to it.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maryland?

Mr. NYE. I do.

Mr. TYDINGS. I assume that General Howe did not count or know any too well the complexion of the Revolutionary Army. I suppose this was only an estimate and an opinion, not based on facts; but if I may say so rather humorously, the Irish having a fine reputation for fighting, perhaps the quality rather than the quantity of their resistance was what the general had in mind. [Laughter.]

Mr. NYE. Mr. President, one can not go into any history of the Revolutionary War period and the make-up of the Continental Army without being convinced of the very material part played by people of Irish and by people of German extraction in that conflict and in the great emergency that existed at that time. We have the record of Thomas McKean, who participated in the signing of the Declaration of Independence. We have the records of Steuben and of De Kalb and of the many Germans who recorded their parts, and recorded them well, during that period. We have but to take the rolls of the Continental Army to see how preponderant is the element of German and Irish strains which went to make up that army.

One Member of this body the other day referred to a recent visit which he had made to Valley Forge and to the enjoyable study that he had made there of the many monuments which had been there erected, and how the names of Germans and of Irish stand out all through that great national ground, indicating the German and the Irish strength that was brought into our cause during the Revolutionary period.

It is a matter of interest, of course, to know that Washington's bodyguard during the Revolutionary period was a bodyguard of Germans who could not speak a word of English, according to one authority—who could not speak a word of English. Taking that as a record, of course, some will argue that Washington wanted a bodyguard that could not understand what was going on about him; but it seems to me that is rather far-fetched.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. NYE. I yield to the Senator.

Mr. REED. I think the Senator must be in error in his reference to Washington's bodyguard, because I find that in a letter written on April 30, 1777, General Washington says this:

I want to form a company for my guard. In doing this I wish to be extremely cautious, because it is more than probable that, in the course of the campaign, my baggage, papers, and other matters of great public import may be committed to the sole care of these men. This being premised, in order to impress you with proper attention in the choice, I have to request that you will immediately furnish me with four men of your regiments; * * * I think it [fidelity] most likely to be found in those, who have family connections in the country. You will therefore send me none but natives and men of some property if you have them.

Mr. NYE. Mr. President, that does not necessarily say that at some time or other during the course of that period Washington's bodyguard was not entirely German, and could not speak a word of English.

Mr. TYDINGS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Maryland?

Mr. NYE. I do.

Mr. TYDINGS. Undoubtedly the Senator is making a speech based upon facts, and I do not wish to question that at all; but, as one Member of the Senate, I should appreciate it, in reading over his speech afterwards, if he would insert in the RECORD the authorities for the remarks he is now making, so that we may estimate the worth of those authorities.

Mr. NYE. Mr. President, I shall gladly do that.

Now I turn, to show who our saviors were in the Revolutionary period, to a memorandum which I have compiled showing the part that the Irish played in the Revolutionary War.

We find that John Barry, the "Father of the American Navy," was born in Ireland.

We find, too, that Gen. Stephen Moylan, an Irishman by birth, as muster master general, or adjutant general, organized the first army of the united Colonies and helped to fit out the first armed naval force of the united Colonies. He also acted as aide to General Washington.

John Moylan, a brother of his, was commissioned clothier general during the Revolution.

Col. John Fitzgerald, an early settler of Alexandria, Va., and personal friend of Washington, was also a native of Ireland and served during the Revolutionary War as aide to the general.

Thomas Fitzsimons, a native of Limerick, Ireland, served as a captain during the Revolutionary War and was also a member of the Constitutional Convention, signed the Constitution, and became a Member of the First Congress.

Ædanus Burke, a native of Galway, Ireland, served during the Revolution with the Carolina troops and was a justice of the Supreme Court of South Carolina in 1778.

Also serving with the Continental Army were such outstanding individuals as Gen. William Irvine, a native of Ireland; Gen. John Shea, another native of Ireland; Col. Walter Stewart, a native of Ireland; Generals Morgan, Hogan, Hand, Greaton, Thomas, Maxwell, Lewis, Butler, and Sir Richard Montgomery, all of them natives of Ireland. Charles Thomson, of County Derry, Ireland, a native of that county, was the first secretary of the Continental Congress.

I turn to a compilation of the officers of the American Army and Navy of the Revolution of Irish birth or descent, and I find that something like 1,440 officers of the Revolutionary War were natives of Ireland or direct descendants of natives of Ireland.

It is not necessary to read all of those names. I will, however, state the volume from which I obtained the information. It is a volume entitled "A Hidden Phase of American History," disclosing Ireland's part in America's struggle for liberty, written by Michael J. O'Brien. I am ready to concede that a volume of that nature may be in some degree prejudiced, is quite apt to be prejudiced, and yet, if it is necessary to print the authority of those who might be prejudiced in competition and in opposition of so violent and unjustifiable a basis of immigration quotas, as is that gained under the national-origins provision, it seems to me to be quite in keeping with the situation.

Mr. President, we look upon foreigners as a people who have brought no patriotic advantage to America. We look upon foreigners as being people who never in times past have done things worth while as native Americans have done. Out of 83 Congressional Medal of Honor men in the late World War, 10 of them were foreign born. How many more of those 83 were direct descendants of foreign born I do not know, but 10 of those 83 were foreign born. One came from Serbia, one came from Finland, one came from Austria, one came from Greece, a second one came from Austria, one came from England, two came from Norway, one came from Montenegro, and one came from Holland.

Mr. President, the record that has been written by foreigners in all the great emergencies which this country has suffered is a record which is bound to win praise, and certainly ought to win consideration when we are dealing with so vital a thing as the immigration question now before us.

The Senator from Arizona [Mr. ASHURST] made reference a moment ago to a record disclosing the number of Irish who participated in the Revolutionary War, and referred to certain testimony which had been given before the House of Commons. I have before me upon my desk a photostat from the British Royal Gazette, of Wednesday, October 27, 1779, disclosing the examination of Joseph Galloway, Esq., late speaker of the House of Assembly of Pennsylvania, before the British House of Commons in the committee on the American papers. Mr. Galloway was asked, "That part of the rebel army that enlisted in the service of the Congress, were they chiefly composed of natives of America, or were the greatest part of them English, Scotch, and Irish?" To which Mr. Galloway responded, "The names and places of their nativity being taken down, I can answer the question with precision. There were scarcely one-fourth natives of America—about one-half Irish—the other fourth were English and Scotch."

Mr. President, I submit, in conclusion of that issue, that we do well to leave that alone as a basis of our consideration in the laying of any foundation upon which we are going to base immigration quotas.

The regrettable thing to me in this entire controversy is the position taken by the American Legion and by the Daughters of the American Revolution, and other well-intended and well-intentioned patriotic organizations here in America. The attitude of the American Legion is doubly regrettable because of the lack of understanding which is so largely true of members of the Legion itself, a lack of understanding as to just what would be accomplished under immigration based upon the national-origins provision.

I have had several letters from leading men in the American Legion, seeking to show where I was in grave error in championing or having anything to do looking to the repeal of so fine a thing as the national-origins basis of immigration quotas.

I took particular pains in answering these letters, and went at length into an explanation from the record as to precisely what would be done under national origins to our immigration quotas, sending along such statements of facts as were then available, including a record of the hearings before the Senate committee, and in one case in a few days I received from the individual to whom I had written a letter apologizing for ever having asked me to do anything other than support the move to repeal the national-origins provision within the immigration act. Before this debate is over I hope to have permission to incorporate in the RECORD the letter which I wrote and the answer which I received, to which I have just referred. It is not generally known—it is not known in this body, at least it has not been until more recent days—just what national origins would accomplish. Yet we are led to believe, and there are those who would cause us to believe, that the great and fine American Legion knows just what would be done, and that they are all for the national-origins clause within the immigration act.

Mr. President, I have deep regret, too, over the position taken by the Daughters of the American Revolution in this controversy. I have seen a letter this morning written by one of the leading members of that patriotic order in Illinois which, in substance, apologizes for having recommended to some one else that national origins was the thing upon which to base immigration quotas. The writer did not realize, she said in this letter, what it was all about, and did not realize just what was going to be accomplished and what was not going to be accomplished under national origins.

These things are regrettable. The American people have not had that opportunity which they ought to have to realize, to study, and to come to appreciate just what national origins is intended to do and just what national origins would accomplish.

It is said, and with feeling in many quarters, that immigration quotas based on national origins would bring us a splendid counterpart of our present population here in the United States. A comparison of the two bases under consideration, the 1890 basis and the national-origins basis, by one with average intelligence, it seems to me, demonstrates that there is a grave doubt as to whether under national origins we would bring in a serious counterpart of our real selves as we are constituted here in America at this time. Indeed, I look upon national origins, in so far as it may bring us a counterpart of our real selves, as something of a fallacy.

In view of the representation which has been made that under national origins we are going to bring in this element of immigration each year which is going to be so much a picture and so much a counterpart of what we really are—I am driven to ask, if so fine a thing as that is going to be accomplished, what is going to happen if one country falls down and fails to send us its entire quota? Here we are, bringing into the country under national origins this perfect mixture, this fine, perfect mixture of all Europeans. We are bringing them in in just those numbers that are going to represent just what we are to-day. Mr. President, what is going to happen if one country which enters into the making of that perfect mixture falls down and does not send a full quota under national origins? Immediately the whole theory goes to smash, and we will bring in a mixture, instead, that is going directly against the grain, according to the theory advanced by certain proponents of the national-origins basis.

Further, what right have we to assume to-day that because Great Britain sent us, back in the colonial period, a given percentage or a given number of people who have brought and engendered the strain which is ours to-day, that that same country would now send us the same kind of people they sent us back in that period? No one, surely, would be foolish enough to say that the make-up of the populations in the European countries to-day is precisely what it was back in 1776, back in the colonial period, back when the first census was taken in America, in 1790. No one would be foolish enough to insist that that was the case.

Mr. President, the accuracy of the national-origins basis of quotas I think I challenged sufficiently on day before yesterday, and raised serious doubt as to the advisability of resorting to national origins as the basis for immigration quotas.

I would like to point out at this time a thing that was laid before Congress a matter of three years ago, an article written by David Maier, and offered for the RECORD, I understand, but I have not been able to find the place in the RECORD. Here is Mr. Maier's story:

> In the calculations cited from pro-English sources it will be observed that the Swedes, who settled Delaware, are not even referred to.

That is, in the census of 1790, I think.

> Comparatively recent studies of the number of Irish in the Revolution have established the fact that their number has been greatly underestimated, as in the case of the Germans, and similar underestimates have been made with regard to other elements of the population than those hailing from England.
>
> To these considerations must be added the important circumstance that the large number of Tories were recruited entirely from the English element. Not counting the English loyalists, who remained in the country but did not take up arms against American independence, there were 29 or 30 regiments, composed entirely of Tories, fighting on the side of the enemies of the American Colonies, outdoing the English and Scotch in ferocity and in many instances leading the Indians against their former neighbors. These and their children make up a considerable number of the estimated population of 1790, upon which the present legislation is based.
>
> It is surely important to take into account this pregnant historical circumstance in a project to determine immigration quotas, having in view the welfare and security of the United States. On this subject John Adams declared:
>
> "New York and Pennsylvania were so evenly divided, if their propensity was not against us, that if New England on the one side and Virginia on the other had not kept them in awe they would have joined the British. Marshall, in his Life of Washington, tells us that the Southern States were nearly equally divided. Look into the Journals of Congress and you will see how seditious, how near rebellion were several counties of New York and how much trouble we had to compose them. * * * Upon the whole, if we allow two-thirds of the people to have been with us in the Revolution, is not the allowance ample?"
>
> In 1815 Adams wrote:
>
> "I should say that fully one-third were averse to the Revolution." Replying to this, Thomas McKean, one of the signers of the Declaration of Independence, indorsed this estimate. "On mature deliberation," he wrote, "I conclude you are right, and that more than a third of influential characters were against it."
>
> It follows, then, that if we deduct one-third from the most reliable estimates of the population of the Colonies obtainable for the Revolutionary period, there were but 1,400,000 loyalists, and if from these we

deduct the Germans, Irish, Dutch, Swedes, and the Huguenot stock, the imaginary 83 per cent of English who fought for American independence dwindles rapidly and probably did not greatly exceed a million.

If place of birth or "racial origin" alone is to determine who is to be excluded, and under this conception immigrants of English, Scotch, and Welsh stock are to benefit by our hospitality and another pioneer stock is to suffer the pains of discrimination, the stock so favored should be recorded in our history as rendering proportionate service to their adopted country in time of need. If we drop the "racial-origin" theory and apply the yardstick of performance in the emergency arising during the Civil War for soldiers to defend the Union, we find the ratio fixed by the Carnegie Foundation completely reversed—37 per cent of the foreign-born soldiers in the Union Army were of German and only 8 per cent of English birth, according to the officially published Investigation in the Statistics of American Soldiers, by B. A. Gould (1869). Gould's table credits the Germans with 187,858 and the English with only 45,508. We then find that the racial stock to be especially favored was not as important during the Revolutionary War as represented by the biased interests referred to, and was not a material factor in the next ensuing crisis of our national existence.

This refers to the Gould statistics, and I am going to ask that at this point in my remarks the table indicated as Table No. 3, appearing on page 27 of the volume which I hold in my hand, may be incorporated in and made a part of the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table referred to is as follows:

TABLE III.—*Nativities of United States Volunteers*

Place of enlistment	Native Americans	British Americans	English	Irish	Germans	Other foreigners	"Foreigners" not otherwise designated	Total number different white soldiers
Maine	48,135	3,217	779	1,971	244	454	----------	54,800
New Hampshire	19,759	2,362	1,147	2,699	952	881	----------	27,800
Vermont	22,037	2,713	325	1,289	86	208	142	26,800
Massachusetts	79,560	2,917	2,306	10,007	1,876	1,591	7,243	105,500
Rhode Island and Connecticut	37,190	1,697	2,234	7,657	2,919	2,129	1,074	54,900
New York	203,622	19,985	14,024	51,206	36,680	11,555	728	337,800
New Jersey	35,496	2,692	2,491	8,880	7,337	2,051	353	59,300
Pennsylvania	222,641	1,339	3,503	17,418	17,208	3,532	5,859	271,500
Delaware	8,306	45	127	582	621	130	189	10,000
Maryland	22,435	155	403	1,400	3,107	400	----------	27,900
District of Columbia	9,967	54	152	698	746	156	227	12,000
West Virginia	21,111	35	248	550	869	284	203	23,300
Kentucky	38,988	67	117	1,303	1,943	181	501	43,100
Ohio	219,949	1,589	2,619	8,129	20,102	3,149	4,363	259,900
Indiana	141,454	760	1,248	3,472	7,190	1,374	902	156,400
Illinois	168,983	4,404	5,953	12,041	18,140	7,379	----------	216,900
Michigan	54,830	3,136	1,310	3,278	3,534	1,251	4,661	72,000
Wisconsin	47,972	3,371	3,703	3,621	15,709	5,124	----------	79,500
Minnesota	11,977	1,371	614	1,140	2,715	2,183	----------	20,000
Iowa	48,686	995	1,015	1,436	2,850	1,618	----------	56,600
Missouri	46,676	359	761	4,362	30,899	2,343	----------	85,400
Kansas	13,493	269	429	1,082	1,090	437	----------	16,800
Grand total	1,523,267	53,532	45,508	144,221	176,817	48,410	26,445	2,018,200

Mr. NYE. Mr. President, I have made considerable reference to the make-up of our population back in 1790 and back in the Revolutionary War period. I have also made reference to the part which the population statistics of 1790 are playing in the laying of the basis for immigration purposes under the national-origins clause.

An extensive basis in the building of the national-origins quotas is the 1790 census, that being the first census taken in the history of our country, a census involving only the enumeration of names and numbers. From this census of names and numbers the Census Bureau some years ago compiled a volume known as A Century of Population Growth. This volume also has played a very important part in the considerations of the experts who have estimated the quotas to which each country is entitled under the national-origins clause of the immigration act of 1924. According to this volume, A Century of Population Growth, the total white population of 1790 in the United States is divided as follows:

	Population	Per cent
English	2,345,844	83.5
Scotch	188,589	6.7
German	156,457	5.6
Dutch	56,623	2.0
Irish	44,273	1.6
French	13,384	.5
Hebrew and all others	5,078	.1
Total	2,810,248	100.0

These figures when carried out in division of the German and Irish totals therein shown demonstrate beyond a shadow of doubt the inaccuracy and unfairness of the conclusions reached in this volume, A Century of Population Growth.

Take the case of the Irish. According to these census figures, there are shown to have been in the State of Massachusetts in 1790, 3,732 people of Irish descent. Yet the records in the city of Boston alone disclose nearly 2,000 persons bearing Irish names married there in Boston during the seventeenth and eighteenth centuries. It is further shown through the published vital records that 53 other Massachusetts towns and cities had 1,700 entries covering marriage and births of people of Irish name prior to the year 1790. Add to these totals of known Irish residents in Massachusetts in 1790 the approximate 10,000 Irish names appearing in the Colonial Records published by the New England Historical Society, in the probate and land records of Massachusetts, and in the town and country history and historical collections like those of the Essex Institute, and the mystery deepens with relation to this thing called national origins, particularly when these figures are compared with the 3,732 lone persons of Irish descent indicated by our census records.

The Century of Population Growth shows there to have been 8,614 people of Irish descent in Pennsylvania in 1790. If this conclusion be true, what in the world became of the descendents of Irish immigrants, numbering, according to authentic historical documents, 12,000 per year, who came to the Province of Pennsylvania between the years 1726 and 1750? More than that, what became of the 18,000 Irish immigrants who came to America during the first half of the year 1773 alone?

The census records upon which the national-origins basis of immigration quotas is builded shows there to have been 5,008 persons of Irish descent in Maryland, and yet the records of the Continental Army show that upward of 4,600 Revolutionary soldiers of Irish names enlisted in Maryland. An exact count of Irish names shown in the land records of Maryland of the seventeenth and eighteenth centuries brings a total of 2,100. The descendents of all of these people had entirely disappeared at the time the first census was taken, seemingly.

New York is shown by the Century of Population Growth to have had 2,525 people of Irish descent in 1790. If this be true, what explanation is there to offer when it is pointed out that several thousand Irish names were listed in the marriage, land, military, and court records published by the New York Historical Society.

Let us revert for the moment to the manner in which this Government document which plays so large a part in the building of a basis of quotas under the national-origins plan has to say about the matter of names. It is represented that there were 73 heads of families named O'Brien in the United States in 1790, and that since the average size of the family of O'Briens is given at 5.2 the total number of O'Briens in the entire country, males and females of all ages, is given at 376. Yet, Mr. President, there are found approximately 250 O'Briens on the Revolutionary muster rolls alone. Of the McCartys it is shown there to have been a total of 625 in the United States in 1790, and yet the number of soldiers named McCarty recorded on the muster rolls of the Revolutionary Army is 335.

Mr. President, what a miserable attempt is this which has been made to determine the origin of the population found in

the United States in 1790! To arrive at any conclusion at all it has been necessary to resort to a determination of names. This in itself has been an impossible task, as has been so clearly demonstrated. But more than that in importance is the demonstration which has been offered of the failure of the 1790 census to fairly disclose the numbers who were then in America.

It must be clear to anyone that this question of national origins is hazy, that it is not possible to even approach accuracy in determining what was the origin of that part of the population which was found resident in America in 1790.

Mr. President, it is an easy matter to attack the national-origins basis of quotas, but it is quite unfair to attack without having something to resort to to take its place, something as accurate or more accurate, something at least that is acceptable, and so to that extent to-day I want to argue that it is far better to take the present basis of immigration quotas under which we are working, that it is a more accurate basis than would be the national origins.

It has been represented that the 1890 basis under which we are building our quotas now is open to attack and will always be open to attack. I expect that any immigration basis will be open to attack, and always will be open to attack, but I insist that the national-origins basis is open to broader attack, is open to more violent attack than is the 1890 basis under which we are operating at this time. The 1890 basis is not all that it could be, is not as accurate and fair as it might be, but I insist that it is more accurate than the national-origins plan, I insist that it is fairer than the national-origins plan, and I insist above all else that the 1890 basis is more understandable than is the national-origins plan. The 1890 plan may be arbitrary, it may be quite arbitrary, and yet it is not without its good points. Mr. Harry H. Curran, speaking before the Economic Club in New York on March 25, 1924, declared:

> If we drop the 1910 measure and take up the 1890 measure, we come, with a few minor differences in the case of individual nations, to a measure that almost exactly gives each part of Europe that to which it is entitled—no more and no less.
>
> That is why I am for the 1890 measure. It helps us to become more homogeneous by sending to us every year a miniature or replica of that which we are already, according to original national stock.
>
> The 1890 measure is the soundest, the healthiest, the fairest, and the best. I hope you will write to your Senators and Congressmen and tell them so.

Mr. REED. Mr. President, will the Senator suffer an interruption?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. NYE. Certainly.

Mr. REED. Is it not true that Mr. Curran said that before the national-origins plan had been suggested?

Mr. NYE. Oh, I think not.

Mr. REED. That quotation was from something he said in March, 1924.

Mr. NYE. It was March 25, 1924.

Mr. REED. I think that was before the national-origins amendment had been adopted.

Mr. NYE. Yes; that would be quite true.

Mr. REED. I believe Mr. Curran is now one of the strongest advocates of national origins.

Mr. NYE. Yes; and I quoted day before yesterday Mr. Madison Grant as an authority on the nature of the population that came to America from Britain in colonial days and showed it was not an English stock which then came to us from Britain. I want it also to be known that Mr. Madison Grant is also one who now declares himself for the national-origins plan of immigration quotas, a basis which credits that colonial immigration to Britain.

I ask to have incorporated in the RECORD at this point a chart which is like that which hangs upon the wall at the back of the Senate Chamber at this time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table is as follows:

Table showing immigration from certain countries during first 70 years of immigration statistics, 1820–1890, and comparison with existing and national-origins quotas

	England, Scotland, Wales	Belgium	Italy	Russia	Greece	Germany	Ireland	Denmark	Norway	Sweden
1820–1830	27,489	28	439	89	20	7,729	54,338	189	94	----------
1831–1840	75,810	22	2,253	277	49	152,454	207,381	1,063	1,201	----------
1841–1850	267,044	5,074	1,870	551	16	434,626	780,719	539	13,903	----------
1851–1860	423,974	4,738	9,231	457	31	951,667	914,119	3,749	20,931	----------
1861–1870	606,896	6,734	11,725	2,512	72	787,468	435,778	17,094	71,631	37,667
1871–1880	548,043	7,221	55,759	39,284	210	718,182	436,871	31,771	95,323	115,922
1881–1890	807,357	20,177	307,309	213,282	2,308	1,452,970	655,482	88,132	176,586	391,776
Total 70 years	2,756,613	43,994	388,586	256,452	2,706	4,505,096	3,484,688	142,537	379,669	545,365
Average per year	39,380	628	5,551	3,663	39	64,359	49,781	2,036	5,424	7,791
Quota on 1890 basis now in effect	34,007	512	3,845	2,248	100	51,227	28,567	2,789	6,453	9,561
Quota on national-origins basis to be effective July 1, unless repealed	65,721	1,304	5,802	2,784	307	25,957	17,853	1,181	2,377	3,314

Mr. REED. Mr. President, would the Senator be willing to carry out the figures to the next three decades?

Mr. NYE. Not for the purposes for which I have prepared the chart.

Mr. President, I am sure that Members of the Senate have given considerable thought and study to the chart which hangs upon the back wall of the Senate Chamber at this time. I want to say before proceeding with any discussion regarding those figures that it ought to be noted that in the case of Ireland, for example, where there is shown a total immigration from Ireland for 70 years and where there is shown the British for 70 years and where there is shown the quotas to which they are entitled under the present basis and where they are shown as to the number who could come from that country under the national-origins plan, that in part those figures belong to England; in other words, that the quota on the 1890 basis instead of being 28,567 ought to be in all probability less than that, because the 1890 basis has not fully succeeded in eliminating the number of Irish who might be included under the English quota.

Mr. President, the 1890 basis is of a rather arbitrary nature. It was determined that for temporary purposes it would be fair to say that in 1890 we had a given percentage of immigration from the various countries of Europe and that in so far as those percentages could be carried out they should prevail in the making of the 1890 basis of quotas. It was felt that, according to the 1890 census of the foreign-born population in America, if Italy was shown to have had a given percentage of the foreign-born population in 1890, then Italy should have that same percentage of the total immigration which would be permitted under the 1890 basis. So while that was rather arbitrary it is, indeed, surprising to find out how very well it has worked out in proportion and in justice to the people who came to us over the period of the 70 years preceding 1890, the first 70 years of immigration statistics.

The first records of immigration were those of 1820. Taking those records through 10-year periods, starting from 1820 leading up to 1890, we find the total 70-year immigration from the leading countries of England, Scotland, Wales, Belgium, Italy, Russia, Greece, Germany, Ireland, Denmark, Norway, and Sweden. My authority for these figures, Mr. President, is the annual report for 1926 of the Commissioner General of Immigration, and the figures are found at page 168 of that report. Finding the total for that 70-year period, it is not difficult to ascertain what the average immigration from those countries was during that 70-year period.

In the case of England, Scotland, and Wales we find that the average was 39,380, and under the 1890 quota basis, which is now in effect and which rests upon the number of foreign born from a given country who were found in the United States according to the census of 1890, we find that those countries are entitled under the present immigration law to 34,007, or about 5,000 less than their average for the 70-year period.

Then, considering Belgium, we find that her 70-year average was 628, and that she is entitled to a few less than that number under the 1890 basis—she is entitled to 512.

In the case of Italy, we find that Italy sent an average of 5,551 for that 70-year period, and under the basis now in effect that country is entitled to 3,845 immigrants each year.

As to Russia, we find that that country sent an average of 3,663 to us each year, and that under the present basis of quotas, which I declare is fairer than the national-origins basis, she is entitled to 2,248, less by quite a considerable number than that country had sent on the average.

Greece sent us an average during that 70 years of 39, yet under the present basis of immigration quotas we are letting her have 100 in an arbitrary manner.

Germany sent us during that 70-year period an average of 64,359 a year, while on the present basis she is sending us less than that number—only 51,227. If the 1890 basis discriminates against any people, then the discrimination is against Germany rather than England; and yet we do not find any discontent noticeable at this time with the 1890 basis.

Ireland sent us an average for 70 years of 49,781, and we are letting her send us now, under the present basis, 28,567. The Irish are discriminated against in a broader way than is even Germany by comparison with the British quotas.

Denmark sent us an average of 2,036 for the 70-year period, and yet we are permitting her now to send 2,789.

The average sent from Norway during the 70-year period was 5,424, yet under the present basis we are permitting her to send 6,453.

Sweden sent us an average of 7,791 during that 70-year period, and under the basis now in effect she sends us more than that number, namely, 9,561.

In the case of those three Scandinavian countries, Mr. President, the discrimination, according to the 1890 basis, is all in their favor; of that there can be no denial. However, I wish to show now that at any time we can take that 70-year period as a basis and build up immigration quotas upon it, and do it thoroughly, do it in an understandable manner, and do it in a way that will invite far greater confidence than the national-origins plan can possibly bring.

On the bottom line of the table hanging on the wall of the Chamber, which, however, is so low that Senators in their seats can not succeed in seeing it, I have given the figures of quotas which would prevail in the event the national-origins clause should become effective, as it will in the event the Congress does not repeal that clause of the immigration act before July 1 of this year.

In the case of England, Scotland, Wales, again, they each sent us, during that first 70-year period of immigration statistics, 39,380 immigrants annually. They are going to have under the national-origins plan pretty nearly twice that number, namely, 65,721.

Mr. REED. Mr. President——

Mr. NYE. I yield to the Senator from Pennsylvania.

Mr. REED. Of course, that quota of 65,721 applies also to North Ireland.

Mr. NYE. That applies also to North Ireland, which I sought to make, but perhaps I did not succeed in making, perfectly clear, some moments ago.

Belgium, which sent us an average of 628 immigrants during that first 70 years of immigration statistics, will be entitled to 1,304 under the national-origins plan.

Italy, which sent us 5,551 on the average for 70 years, will send us 5,802 under the national-origins basis.

Russia, which sent us 3,663 during the 70-year period, will send us, under the national-origins plan, 2,784.

Greece, which sent us 39 on the average for the 70-year period, will be privileged to send us 307, instead of 100 as is now provided on the 1890 basis.

Germany, which sent us 64,359 on the average for 70 years, is going to be unmercifully cut to 29,957 a year, while Great Britain will increase its percentage largely over what she sent in the way of an average during the 70-year period.

The case of Ireland is inviting severe and deep criticism, Mr. President, for it sent us on an average, for the 70 years, 49,781 immigrants, while under the national-origins plan that country will be entitled to but 17,853.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER (Mr. CONNALLY in the chair). Does the Senator from North Dakota yield to the Senator from Alabama?

Mr. NYE. I yield.

Mr. HEFLIN. The Senator is speaking now of Ireland. A little while ago something was said about the percentage of those who came over from Ireland in colonial days, and some Senator stated that about half of those who served in the Revolutionary Army were Irish. Those troops came from northern Ireland, and no Irishmen of any consequence came here from southern Ireland until about 1850.

Mr. NYE. O Mr. President, I think the Senator is drawing a line that can not be substantiated when he says that none came from southern Ireland until 1850, because the pages of our history disclose that many of them came.

Mr. HEFLIN. Very few came.

Mr. NYE. Many of them came from southern Ireland.

Mr. HEFLIN. But the Senator does not deny that the bulk of those who were here in Revolutionary days came from northern Ireland, does he?

Mr. NYE. I think the division was quite even, Mr. President, or that the greater number came from southern Ireland rather than from northern Ireland.

Mr. HEFLIN. Oh, no; the Senator is entirely mistaken about that.

Mr. NYE. Be that as it may, Mr. President, Denmark, which sent us an average of 2,036 for the 70-year period, is going to be cut under the national-origins basis to 1,181.

Norway, which sent us an average of 5,424 during the 70-year period, will under the national-origins provision be privileged to send only 2,377; and Sweden, which sent us an average of 7,791 during the 70-year period, will be cut more than in two; it will be cut to 3,314.

Mr. President, I do not maintain, as I have said, that the 1890 basis of immigration is as accurate as it might be or as fair as it might be, but I do insist that we can take the 1890 basis and continue it in effect for another year at least and have a far more acceptable plan than would be the national-origins basis. Then when time is more ample let Congress return here and take the recognized figures shown by the 70 years of immigration statistics, starting in 1820 and ending in 1890. Those statistics are not derived from a resort to the tracing of names to ascertain the origin of people, but are obtained through more reliable sources. Let us base immigration quotas upon figures of that kind. It would reduce, to be sure, the number who are now permitted to come from Norway and Sweden and Denmark; but it would not materially reduce that number, and, on the whole, basing immigration quotas upon that 70-year period of immigration to America, would bring us an immigration very similar to that which is coming under the 1890 basis.

Mr. President, there has been grave doubt raised as to the advisability of employing the national-origins basis. The commission composed of Secretaries Hoover, Kellogg, and Davis in one of their reports to Congress, only a matter of two years ago—not more than two years ago at any rate—declared:

> The report of the subcommittee is self-explanatory and is stated to be a preliminary report; yet, in the judgment of that committee, further investigation will not substantially alter the presentation. Although this is the best information we have been able to secure, we wish to call attention to the reservations made by the committee, and to state that, in our opinion, the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purpose intended. We therefore can not assume responsibility for such conclusions under the circumstances.

Mr. President, this commission authorized by Congress——

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. NYE. The Senator from Massachusetts will wait for just a moment, I am sure. This commission which was authorized by Congress to compute the quotas which would prevail under the national-origins clause has made it very clear that it is unanimously of the opinion that the national-origins basis is not practicable, is not accurate, and is going to work unnecessary hardship. Yet we are receiving information supplied us by the experts named by this very commission, and we accept what they have to say as being the last word in the controversy. I now yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I should like to inquire of the Senator if President Coolidge did not also entertain those grave doubts, and was not his position in accord with that of President Hoover?

Mr. NYE. I think that is the case, and I hope the Senator has the record as to that fact on his desk.

Mr. REED. Mr. President, will the Senator tell us what evidence he has that such is the case?

The PRESIDING OFFICER. Senators will address the Chair when seeking to interrupt the Senator having the floor.

Mr. REED. Mr. President, will the Senator from North Dakota yield to me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. NYE. I yield.

Mr. REED. Will the Senator from Massachusetts tell us what his authority is for the statement he has just made?

Mr. WALSH of Massachusetts. The action of President Coolidge in asking Congress to extend the time before the national-origins provision of the immigration law should go into effect.

Mr. REED. Does not the Senator know that that was after the quota board had stated that additional time for study would be an assistance to it?

Mr. WALSH of Massachusetts. I do not recall the exact time, but I do know that on one occasion at least, if not on more than one occasion, President Coolidge requested of Congress an extension of time before the national-origins provision should go into effect; and I also know that he took no step to have the national-origins provision become operative during his administration.

Mr. REED. But at no time did he make any effort to secure its repeal.

Mr. WALSH of Massachusetts. I think that is correct.

Mr. NYE. Mr. President, I have heard Senators wonder why it was that there have not been more protests received by them from their constituents than have been received during this special session of Congress. Many of them say that in the last session of Congress they received many more protests than they are receiving now. It is not difficult to understand why that should be the case, because the people of the United States during the late campaign were prevailed upon to believe, and with good reason, that when the special session of Congress was convened the national-origins feature would be repealed, because both candidates for the Presidency pledged themselves to its repeal, and the successful candidate for the Presidency in his first message to Congress asked for at least a delay in the effectiveness of the national-origins clause. It is not surprising that under those circumstances the people should feel that with the election over the fate of national origins had been sealed; and they have not been concerned about writing to their representatives and letting their wishes be known, because they had already done that a year ago; and yet in spite of that, Mr. President, there have been countless protests filed against national origins even with Members of Congress during this special session.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. NYE. I yield to the Senator from Florida.

Mr. TRAMMELL. The Senator states that the successful candidate and also the Democratic candidate pledged themselves to the repeal of the national-origins clause. I do not know that either one of them made himself very plain upon that subject; but the successful candidate, as far as all of his speeches are concerned, certainly did not make it plain that he was in favor of repealing the national-origins plan.

I know he has recommended it; but I think that throughout the country, especially in my part of the country, the Democrats who voted for Mr. Hoover thought that they were supporting a man who was in favor of maintaining the national-origins plan instead of a man who favored repealing it. Has the Senator any statement from him on the subject during the campaign that was plain, that a man could read as he runs, and know how he stood on the question?

Mr. NYE. Mr. President, anyone who heard or who read what President Hoover said in his acceptance speech with relation to the national-origins clause and then went off and voted for Mr. Hoover because he did not understand that he was against the national-origins clause—well, I will tell the Senator frankly that such a man ought to be examined, because no man could have made his position upon national origins plainer than President Hoover made his position in his acceptance speech. Let me read it. I have read it before, but it will do no harm to read it again:

> No man will say that any immigration or tariff law is perfect. We welcome our new immigrant citizens and their great contribution to our Nation; we seek only to protect them equally with those already here. We shall amend the immigration laws to relieve unnecessary hardships upon families. As a member of the commission whose duty it is to determine the quota basis under the national-origins law I have found it is impossible to do so accurately and without hardship. The basis now in effect carries out the essential principle of the law and I favor repeal of that part of the act calling for a new basis of quotas.

Can there be any excuse for misunderstanding that kind of language? Hardly, Mr. President.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from Florida?

Mr. NYE. I yield.

Mr. TRAMMELL. Those who were championing the cause of Mr. Hoover during the campaign in my part of the country took the position that Mr. Smith was in favor of the repeal, and that Mr. Hoover, while he had criticized the national-origins plan, had not stated that he favored the repeal of it. A great many of them thought that he was in favor of continuing it.

Mr. NYE. Mr. President, I know nothing of what representations were made; but in the face of that acceptance speech which preceded the campaign throughout the United States there is little excuse for anyone to have drawn the conclusion that there was any doubt in Mr. Hoover's mind as to what ought to be done about the national-origins clause.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. NYE. I yield to the Senator.

Mr. WALSH of Massachusetts. And President Hoover, up to date, has not changed his mind?

Mr. NYE. He has not, Mr. President.

The real strength which comes to the movement in favor of national origins comes because of the representation that has been made, and for which there is some little ground, that the national-origins clause will serve as a further restriction of immigration to the United States annually. In a very, very small way that is true; but, Mr. President, proponents of repeal of national origins have declared here on the floor their intent to move an amendment to the bill to repeal national origins, when it shall come before the Senate—as it will come if we are successful in discharging the committee from the further consideration of that bill—that will bring down the total immigration on the 1890 basis, now effective, to a point that will be no greater and to a point that may be less than that which would be permitted under the national-origins basis of immigration quotas. In all seriousness we shall endeavor to bring about the adoption of such an amendment to that bill calling for repeal of the national-origins clause; and with that done, Mr. President, what becomes of the argument that the national-origins clause is purely and simply a measure of further restriction of immigration into America? It does not exist at all.

Americans as a whole are in favor of restricted immigration, and, as a general thing, would be for a measure, I think, to-day, that perhaps reduced the present total of immigration to this country annually in some small way; but, Mr. President, when they know what this is all about, they can not turn to national origins as a basis and call it a purely restrictive immigration issue, because it is not that at all.

Why do not those who quibble about the further restrictions that national origins bring devote their time, their energy, and their attention to some restriction against the immigration that is coming into the United States annually from Mexico, where an opportunity is afforded to restrict immigration to the extent of fifty or sixty thousand a year—fifty or sixty thousand coming from Mexico every year, without the semblance of restriction against that measure of immigration? If we are going to be sticklers for restricted immigration, there is the place to start in; not upon the people of Sweden and of Norway and of Denmark and of Germany and of Ireland, but upon the people of that country which has contributed so much less to our well being, to our progress, and to the history of our country, than those other people I mention have afforded.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. NYE. I yield to the Senator.

Mr. WALSH of Massachusetts. I should like to ask the Senator if the investigations made by the Labor Department do not show that unfortunately the living conditions of the immigrants from Mexico are the poorest of any of the immigrants to this country?

Mr. NYE. I should not venture to answer the Senator's question positively; but, from general information, I should say that that was the case.

Mr. President, in conclusion I think the Senate ought to do its part at this time in bringing about repeal of the national-origins clause. The President has asked for a vote and for a decision upon that matter. I hope it may be accorded.

I think we ought to oppose national origins for the reasons which I have stated at some length:

First. Because the national-origins basis of quotas is inaccurate and unfair.

Second. Because the national-origins basis does not accomplish and does not do what its proponents insist it will do.

Third. We ought to oppose national origins because it penalizes the races which have contributed the finest that is in us here in America to-day.

Fourth. We ought to oppose national origins because it is not an understandable basis, and because it is not an explainable basis.

Fifth. We ought to oppose national origins here as a body because it works unnecessary hardships upon a people, as was declared by President Hoover.

Sixth. We ought to oppose national origins because it does not invite the confidence of people whose confidence is necessary to the success of any immigration measure.

Seventh. We ought to oppose national origins because of the incompleteness of the records upon which immigration quotas are builded under the national-origins plan.

Eighth. We ought to oppose national origins because it attempts to base quotas upon facts and figures which in large part have been destroyed by fires engendered by the British back in 1814.

Ninth. We ought to oppose national origins because it is too largely based upon names; and names have been demonstrated as meaning so little here in America.

Tenth. We ought to oppose national origins because of its complication as well as because of its inaccuracy.

Albert Bushnell Hart, in the June number of Current History, declared this:

> The difficulty of the national-origins plan is that it is necessarily based not on recorded numbers but on calculations.

"Not on recorded numbers but on calculations!" And such is the case as many of us see it, Mr. President.

Eleventh. We ought to oppose national origins because it offers no improvement whatsoever over the basis which is now in effect. I insist that we ought to give very serious thought, and I want to point that out again, to the manner in which these various estimates have been submitted to the Senate by the experts upon whom has devolved the job of ascertaining what the quotas would be under the immigration law. We ought to look to the five estimates that have been made, three of them by this board of experts, and see how they have wabbled, how they have varied from one estimate to another.

I discussed this matter at some length on Monday; and I now ask permission to have incorporated in the RECORD at this point a table of immigration quotas printed for the use of the Committee on Immigration and Naturalization of the House of Representatives on February 28 of this year, showing the various estimates which have been submitted.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

Immigration quotas

(Printed for the use of the Committee on Immigration and Naturalization, House of Representatives, Feb. 28, 1929)

(1) National-origin quotas submitted Feb. 21, 1929	Country or area	(2) National-origin quotas submitted Feb. 27, 1928	(3) National-origin quotas submitted Jan. 7, 1927	(4) National-origin quotas estimated in 1924	(5) Present quotas based on 1890 foreign-born population
100	Armenia	100	----------	100	124
100	Australia, including Papua, etc.	100	100	100	121
1,413	Austria	1,639	1,486	2,171	785
1,304	Belgium	1,328	410	251	512
2,874	Czechoslovakia	2,726	2,248	1,359	073
100	Danzig, Free City of	137	122	100	228
1,181	Denmark	1,234	1,044	945	2,789
116	Estonia	100	109	325	124
569	Finland	568	559	517	471
3,086	France	3,308	3,837	1,772	3,954
25,957	Germany	24,908	23,428	20,028	51,227
65,721	Great Britain, North Ireland	65,894	73,039	85,135	34,007
307	Greece	312	367	384	100
869	Hungary	1,181	967	1,521	473
17,853	Irish Free State	17,427	13,862	8,330	28,567
5,802	Italy, including Rhodes, etc.	5,989	6,091	5,716	3,845
236	Latvia	243	184	384	142
386	Lithuania	492	494	458	344
3,153	Netherlands	3,083	2,421	2,762	1,648
2,377	Norway	2,403	2,267	2,053	6,453
6,524	Poland	6,090	4,978	4,535	5,982
440	Portugal	457	290	236	503
295	Rumania	311	516	222	603
2,784	Russia, European and Asiatic	3,540	4,781	4,002	2,248
252	Spain	305	674	148	131
3,314	Sweden	3,399	3,259	3,072	9,561
1,707	Switzerland	1,614	1,198	783	2,081
123	Syria and the Lebanon (French)	125	100	100	100
226	Turkey	233	233	100	100
845	Yugoslavia	739	777	591	671
[1] 153,714	Total	[1] 153,685	[1] 153,541	[2] 150,000	[1] 164,647

[1] Includes 37 minimum quotas of 100 each.
[2] Includes 16 minimum quotas of 100 each.

Mr. NYE. Mr. President, the facts being what they are—and I hope they are facts as I have presented them; I have tried to confine myself to truths and to facts—let us let well enough alone, at least until we have something to adopt in which there can be more confidence than in that which we already have and use, and which has been quite generally accepted and quite generally approved. The present basis may not be altogether fair; but it at least affords a fair and understandable basis, and one which affords an insight into a truly fair basis, and one that is bringing us now a splendid balance of the kind of people who have contributed much worth while in virtually every step of pioneering and every step of progress of which this Nation has enjoyed the benefits in other days.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from North Dakota [Mr. NYE].

Mr. REED obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield in order that I may make the point of no quorum?

Mr. REED. Mr. President, I desire first to make a statement. I am not fully prepared to go ahead to-day. I should prefer to speak in reply to the Senator from North Dakota to-morrow. So I should like to give notice that as soon as I can obtain recognition after the convening of the Senate to-morrow I shall speak in reply to the Senator from North Dakota on this subject.

I understand that the Senator from Nebraska [Mr. NORRIS] has a request in mind.

Mr. NORRIS. Mr. President, I do not, of course, want to interfere with the measure that is pending. If, however, it is agreeable to the Senator from North Dakota and the Senator from Pennsylvania, I should like to call up Order of Business No. 1, the proposed amendment to the Constitution similar to one which has passed the Senate two or three times and went over yesterday when reached on the calendar because of the absence of the Senator from Connecticut [Mr. BINGHAM].

The VICE PRESIDENT. Is there objection?

Mr. NYE rose.

Mr. NORRIS. I would like to consult the wishes of the Senator from North Dakota.

Mr. NYE. Unless some one wishes to speak upon the immigration question, I certainly would have no objection to the Senate taking up the joint resolution providing for a constitutional amendment. As far as I know, it is not the desire of anyone to speak at this particular time on the immigration question.

Mr. NORRIS. Then I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Senate Joint Resolution 3, introduced by me, providing for an amendment to the Constitution.

Mr. NYE. Mr. President, before that request is submitted, I desire to lay before the Senate a matter which I had overlooked.

Mr. NORRIS. Very well, Mr. President; I yield the floor to the Senator.

Mr. NYE. Mr. President, I have a letter written by Charles Nagel, of St. Louis, a member of the immigration committee of the Chamber of Commerce of the United States, to Senator ROSCOE C. PATTERSON, of Missouri. The Senator from Missouri offered it yesterday for the RECORD, but I desire that the letter may be read to the Senate. I ask now that when the matter to which the Senator from Nebraska has referred, the joint resolution proposing a constitutional amendment, shall have been disposed of, the clerk may read this letter to the Senate.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. WALSH of Massachusetts. Is the Senator offering the report of the committee on immigration of the United States Chamber of Commerce?

Mr. NYE. No; this is not the report of the committee.

Mr. WALSH of Massachusetts. Mr. President, I realize that little remains to be said, in view of the admirable presentation against the adoption of the national-origins provision of the immigration law as a national policy, embraced in the informative and able address of the Senator from North Dakota [Mr. NYE]. He has covered every aspect of the question so fully that, of necessity, whatever may be said by those who follow him in debate advocating the repeal of the national-origins provision, will be largely repetition.

It seems to me, however, the Senate and the country will be interested in having the opinion of the Chamber of Commerce of the United States on this question. A very exhaustive report of the immigration committee of the Chamber of Commerce of the United States, which committee was composed of 13 of the best-known and ablest business and industrial leaders

of the country, representative of every section of the country, was made public at the annual meeting of this organization, held in Washington, D. C., April 29–May 3. This report surely represents the opinion of a group whose patriotism and impartiality can not be questioned.

It was the judgment of this committee that the quota-limit system now in operation, based upon 2 per cent of the foreign-born living here in 1890, be made a permanent national policy. This conclusion was reached after a study of—

First. What the national-origins provision is;

Second. What the 1890 census quota-limit system is;

Third. The relation of the national origins and 1890 census quota-limit system to a national policy of restricted immigration; and

Fourth. Reasons for the Immigration Committee's recommendation.

Speaking of the national-origins quota basis the report states:

The technical methods employed to accomplish this [quota allotment based on national origins] are from the layman's viewpoint complicated and involve difficulties, which in the judgment of the immigration committee [of the Chamber of Commerce of the United States] have not yet been solved.

The committee further says:

The difficulty is that the national-origins plan requires apparently the use of a very fine tool to try to accomplish what can only at best be a very rough judgment of the relative importance of European seed stocks in our present white population.

In view also of the presentation for the RECORD of various petitions and memorials from patriotic societies favoring the maintenance of the national-origins provision of the immigration law, I present a communication, similar to others received, from the Tenth District Council of the American Legion, district of Massachusetts, representing 32 posts, located in southeastern Massachusetts.

Mr. President, I ask that the letter of the president of the Chamber of Commerce of the United States of America, the report of the immigration committee of the Chamber of Commerce of the United States of America, and the communication from representatives of the American Legion of southeastern Massachusetts be printed in the CONGRESSIONAL RECORD as part of my remarks.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, May 8, 1929.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

DEAR SENATOR WALSH: In order that you may be more fully informed with reference to the position taken on the national-origins plan by the delegates in session at the national chamber's recent seventeenth annual meeting, I am inclosing a copy of the report of the chamber's immigration committee.

This report contains the resolution proposed by the immigration committee, which in substance was approved by the delegates, recommending the repeal of the national-origins provision of the 1924 immigration act and the continuance of the quota-limit system at present in operation. The exact text of the resolution as adopted by our seventeenth annual meeting is likewise inclosed.

I might add that this report was in the hands of the chamber's member organizations in ample time (40 days) prior to the annual meeting, to insure a considered action. You will find of interest, I am sure, the committee's statement explaining and supporting the resolution.

A sound and practical basis of immigration restriction is a matter of great importance to the entire country. I very much hope that the judgment of American business on this question, as expressed through the national chamber, may have your careful thought.

Yours very truly,

WM. BUTTERWORTH, *President.*

NATIONAL IMMIGRATION POLICY—A RESOLUTION PROPOSED BY THE IMMIGRATION COMMITTEE RECOMMENDING THE REPEAL OF THE NATIONAL-ORIGINS PROVISION OF THE 1924 IMMIGRATION LAW AND THE CONTINUANCE OF THE QUOTA LIMIT SYSTEM NOW IN OPERATION

REPORT OF IMMIGRATION COMMITTEE, CHAMBER OF COMMERCE OF THE UNITED STATES

The committee on immigration of the national chamber, in accordance with authority granted by the board of directors, presents to the chamber's constituent membership for their consideration at the seventeenth annual meeting, April 29 to May 3, 1929, the following resolution dealing with the country's immigration policy, which the committee recommends should be adopted:

"The provisions of the immigration law of 1924 which apply the quota-limit system to the countries of Europe, Asia, Africa, and Australasia, on the 1890 census basis of foreign born, have been in operation now for nearly five years. These provisions have become an accepted part of our national policy. Our industrial and social life, our citizens, and our foreign-born residents, as well as foreigners abroad who are contemplating coming to this country for permanent residence, have largely adjusted themselves to this policy. During this period the so-called national-origins provision of the 1924 immigration law, which originally was intended to replace on July 1, 1927, the quota-limit system based on the 1890 census, referred to above, has not been in operation.

"This provision proposes to limit immigration from Old World countries to about 150,000 (this number is raised to 153,714 (last report) by admitting 100 immigrants each from several small countries), as compared with the 164,667 at present admissible, and to allow an annual quota to any nationality equal to a number which bears the same ratio to 150,000 as the number of people living here in 1920 deriving from that nationality bears to the total number of our inhabitants. The operation of this provision has been twice postponed by Congress in the face of problems, as yet unsolved, connected with the development of a satisfactory plan for the accurate determination of the racial content of the country.

"It would be a mistake, in our opinion, to disrupt the adjustments which have been made under the actual operation of the law to date, and by changing the basis of present quotas unnecessarily to stir up racial antagonisms. We, therefore, recommend the repeal of the national-origins provision of the immigration law of 1924 and urge the continuance of the quota-limit system now in operation based upon 2 per cent of foreign born living here in 1890."

While there is a general familiarity with the subject matter of this proposed resolution, it seems desirable to the immigration committee, in order that the action on this important matter at the annual meeting may be well considered, to explain:

1. What the national-origins provision of the 1924 immigration law is.

2. What the quota-limit system, now in operation, based on 2 per cent of the foreign born living here in 1890 is.

3. The relation of the national origins and the 1890 census quota-limit systems to a national policy of restrictive immigration.

4. Reasons for the immigration committee's recommendation that the national-origins provision be repealed and the 1890 census quota-limit system be continued."

(1) WHAT THE NATIONAL-ORIGINS PROVISION IS

When our present immigration law was passed in 1924 it contained a provision that by July 1, 1927, the immigration quotas from Old World countries should be determined on the basis of the contribution which each of these countries has made to our total white population from these quota countries as shown by the census of 1920.

The Old World or quota countries are the countries of Europe, Asia, Africa, and Australasia. According to the 1920 census, 89,332,158 of our total white population originated in these countries.

The national-origins provision sets the total number of quota immigrants we would admit from Old World countries at 150,000. Each Old World country then is to have a proportion of that 150,000 equal to the proportion of its contribution to our total white population (excluding that originating in North and South America, which was left unlimited by the quota legislation). In other words, if a country has contributed one-fourth of the 89,332,158 white people living here in 1920, then it can send one-fourth of 150,000 immigrants each year.

While the 1924 immigration law contemplated that this national-origins plan should go into operation by July 1, 1927, the effective date of this provision of the law has been twice postponed by Congress—first, until July 1, 1928, and then until July 1, 1929, which is now the effective date. That means that unless Congress either again postpones the effective date until July 1, 1930, or repeals the national-origins provision of the law, we will change over on July 1, 1929, from the quota-limit system now in operation to the quota-limit system which has just been described.

The following is the exact statement, taken from section 11 of the immigration law of 1924, which provides for this national-origins quota-limit system:

"(b) The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

"(c) For the purpose of subdivision (b) national origin shall be ascertained by determining as nearly as may be, in respect of each geographical area which under section 12 is to be treated as a separate country (except the geographical areas specified in subdivision (c) of section 4) the number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area. Such determination shall not be made by tracing the ancestors or descendants of particular individuals but shall be based

upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses and such other data as may be found to be reliable.

"(d) For the purpose of subdivisions (b) and (c) the term 'inhabitants in continental United States in 1920' does not include (1) immigrants from the geographical areas specified in subdivision (c) of section 4 or their descendants, (2) aliens ineligible to citizenship or their descendants, (3) the descendants of slave immigrants, or (4) the descendants of American aborigines.

"(e) The determination provided for in subdivision (c) of this section shall be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor jointly. In making such determination such officials may call for information and expert assistance from the Bureau of the Census. Such officials shall, jointly, report to the President the quota of each nationality, determined as provided in subdivision (b), and the President shall proclaim and make known the quotas so reported. Such proclamation shall be made on or before April 1, 1927. If the proclamation is not made on or before such date, quotas proclaimed therein shall not be in effect for any fiscal year beginning before the expiration of 90 days after the date of the proclamation. After the making of a proclamation under this subdivision, the quotas proclaimed therein shall continue with the same effect as if specifically stated herein and shall be final and conclusive for every purpose except (1) in so far as it is made to appear to the satisfaction of such officials and proclaimed by the President that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in subdivision (c) of section 12. If for any reason quotas proclaimed under this subdivision are not in effect for any fiscal year, quotas for such year shall be determined under subdivision (a) of this section."

(2) WHAT THE 1890 CENSUS QUOTA-LIMIT SYSTEM IS

The provision of the 1924 immigration law which went into effect July 1, 1924, and has since been in effect, determines the immigration quotas of Old World countries on the basis of the foreign-born people from these countries who were living here in 1890. Each such country is allowed 2 per cent of those born in that country, counted in our 1890 census. For example, if there were 1,000,000 born in a particular Old World country counted in our 1890 census, then that country can send 2 per cent of 1,000,000 immigrants each year, or 20,000.

Section 11 of the 1924 immigration law provides for this 1890 census quota-limit system in the following subdivision:

"(a) The annual quota of any nationality shall be 2 per cent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100."

(3) RELATION OF NATIONAL ORIGINS AND 1890 CENSUS QUOTA-LIMIT SYSTEMS TO A NATIONAL POLICY OF RESTRICTIVE IMMIGRATION

Following the war there developed a strong public sentiment that America could not go on indefinitely accepting an unlimited number of aliens each year without suffering economic, social, and political injury. An emergency restrictive immigration law was passed by Congress in 1921. This law limited yearly immigration from Old World countries to 3 per cent of the foreign born from each living here in 1910.

There also developed a feeling that in addition to restricting the yearly number of immigrants we should also devise some practical plan whereby those entering would come from countries akin in race and tradition to those from which the earlier settlers had come. For example, in 1923 the national chamber, through resolution adopted in annual meeting by its constituent members, stated that in its opinion it is in the national interest that the principle of selection should be a controlling factor in any immigration legislation that may be passed by Congress. The chamber was interested in this principle of selection from the viewpoint of insuring "the maintenance of a strong, virile, and essentially homogeneous people that will permit the United States to measure up to its economic, political, and social possibilities."

In 1924 Congress enacted the present immigration law, which embodies a policy of restrictive immigration which not only limits the number admitted each year but allocates that number among Old World countries in a way which tends to favor the immigrants from northern Europe as distinct from southern Europe.

The proposal of the House Committee on Immigration and Naturalization to accomplish this was through the use of the 1890 census, at which time the proportion of foreign-born residents coming from northwest Europe was much larger than in later censuses.

The proposal of the Senate Committee on Immigration to accomplish this was the national-origins plan. It was felt that use of the 1890 census of foreign born was arbitrary and deficient, in that it failed to take into account the native born in addition to the foreign born in determining quotas. Out of this feeling developed an alternative plan for basing quotas on a racial analysis of the entire population.

Both proposals were written into the immigration law of 1924. It was possible to put the 1890 census method into effect at once, and hence it was made the immediate operating method for effecting the policy of restrictive immigration. Time was required, however, to discover whether it was possible to make a satisfactory analysis of the national origins of the white population, and hence this alternative plan was delayed from going into operation until July 1, 1927, and later, by supplemental acts, until July 1, 1929.

In the meantime an opportunity has been afforded to see what could be done in determining the country's racial content. The Secretaries of State, Commerce, and Labor set up a board of Government experts, which has gone into the matter in a thoroughgoing way and submitted three analyses, one on January 7, 1927, one on February 27, 1928, and the third, and final one to date, on February 27, 1929. The chamber's immigration committee understands that this last analysis and the quotas based on it represent a completed work; that any additional revisions as the result of subsequent research would be of a very minor character. In other words, we now have, as we did not have in 1924, when the immigration law was passed, a knowledge of the practical difficulties involved in making a racial analysis, the methods which have been employed in an attempt to overcome these difficulties, and what the quotas of various countries will be if the national-origins plan goes into operation. We are thus in a position to decide whether this alternative plan does in fact remove the objections which were raised against the use of the 1890 census of foreign born.

It might be added that this 1924 law divides the world into three parts:

First. The Asiatic barred zone, which contains many peoples, chief among them the Chinese, Japanese, and Hindus.

Second. The Western Hemisphere, immigration from which is controlled by the prequota law of 1917.

Third. The quota countries of Europe, the Near East, Africa, and Australasia.

The allocations of quotas under the 1890 census plan and under the national-origins plan, as set forth in the following tabulation, will show the relation of these two plans to our restrictive immigration policy from the viewpoint of the limitation of the number admissible and the distribution of this number admissible among the several countries:

	Present quotas based on 1890 foreign-born population	National-origins quotas submitted Feb. 27, 1929
Northwest Europe:		
Belgium	512	1,304
Denmark	2,789	1,181
France	3,954	3,086
Germany	51,227	25,957
England, Scotland, Wales and North Ireland	34,007	65,721
Irish Free State	28,567	17,853
Netherlands	1,648	3,153
Norway	6,453	2,377
Sweden	9,561	3,314
Switzerland	2,081	1,707
Other northwest Europe	200	200
Total northwest Europe	140,999	125,853
Southeast Europe:		
Austria	785	1,413
Czechoslovakia	3,073	2,874
Finland	471	569
Greece	100	307
Hungary	473	869
Italy	3,845	5,802
Lithuania	344	386
Poland	5,982	6,524
Portugal	503	440
Rumania	603	295
Russia	2,248	2,784
Yugoslavia	671	845
Other southeast Europe	1,225	1,304
Total southeast Europe	20,323	24,412
Total Asia	1,624	1,749
Total Africa	1,200	1,200
Total Australasia	521	500
Grand total	164,667	153,714

Percentage of the total quota immigration

	Under 1890 census plan	Under national-origins plan
Northwest Europe	85.6	81.2
Southeast Europe	12.3	15.88
Asia	.99	1.137
Africa	.72	.78
Australasia	.31	.325

(4) REASONS FOR THE IMMIGRATION COMMITTEE'S RECOMMENDATIONS

A policy must be judged by its results. Does our present restrictive immigration policy, as based on the 1890 census, give us the results we want? In the judgment of the chamber's immigration committee it does. It gives us a limited number of immigrants, 164,667, and the

bulk of this number, 140,999, from countries which are racially closely akin to the older social interests in the United States.

For that reason the committee recommends the continuance of the quota limit system now in operation based on 2 per cent of the foreign born living here in 1890.

The national-origins provision, if put into operation, would likewise give us a limited number of immigrants, 153,714, a large majority of whom, 125,853, would come from countries similarly akin to ours.

The difference in the total number admitted under the two plans is of comparatively little consequence. The major difference between the two plans is a change in the quota allotments as between northwest European countries. The quotas of the Irish Free State, Germany, Norway, and Sweden would be materially reduced and the quotas of Great Britain and North Ireland and the Netherlands would be materially increased under the national-origins plan.

The advantage, if any, in this change is greatly outweighed, in the judgment of the immigration committee, by the following considerations:

First, our industrial and social life, our citizens and our foreign-born residents, as well as foreigners abroad who are contemplating coming to this country for permanent residence, have largely adjusted themselves to the present 1890 census quota-limit system.

Second, the putting into effect of any restrictive immigration policy is bound to stir up racial antagonisms and misunderstandings. There is plenty of evidence that changing over to the national-origins plan would revivify these antagonisms without any large commensurate gain to our final purpose, which is the building of a homogeneous and united nation.

There has been considerable controversy over the possibility of arriving at a reasonably accurate analysis of the racial content of the country. Such a determination must, of course, be made before quota allotments can be based on national origins. The technical methods employed to accomplish this are, from the layman's viewpoint, complicated and involve difficulties which, in the judgment of the Immigration Committee, have not yet been solved.

For example, the question which the average man of mixed ancestry asks is: How am I going to be counted as of English origin, Irish origin, or German origin if my ancestors, for illustration, came from all three countries?

The answer is that the national-origins plan does not contemplate segregating individuals into those of English origin, of Irish origin, of German origin, etc., but, through a study of the "statistics of immigration and emigration, together with rates of increase of population as shown by the successive decennial United States censuses and such other data as may be found reliable," determining the relative contribution which the immigrants from Old World countries, beginning with the colonial settlements, have made to the creation of the white population living here in 1920. Having made this statistical analysis, the proportionate contribution of the several countries are translated into the abstraction of so many living here of English origin, so many of Irish origin, so many of German origin, etc., which is simply a statistical device necessary to determine the quotas.

While that is the answer to the average man's question, it is obvious that it is hard for him to understand a method which involves such statistical and philosophical abstractions. The difficulty is that the national-origins plan requires apparently the use of a very fine tool to try to accomplish what can only at best be a very rough judgment of the relative importance of European seed stocks in our present white population.

It is only fair to say that the Government experts who made the analysis are satisfied that the statistical and historical research methods employed have given reasonably accurate results. On the other hand, the Secretaries of State, Commerce, and Labor, charged by the law with the responsibility for determining national origins, have refused either individually or collectively to express any opinion on the merits or demerits of the methods employed for arriving at national-origins quotas.

The Immigration Committee gave some weight to these difficulties in arriving at its decision to recommend the repeal of the national-origins provision. They were by no means, however, the deciding factor in its decision. The committee feels that the essential point is to get the kind of immigration restriction which will further the best interests of the United States, and that the technical method of executing this policy is of secondary importance.

Thus it seems relatively unimportant to the committee whether the desired result is arrived at by the 1890 census plan, basing quotas on foreign born residing here or by the national-origins plan, counting not only the foreign born but the native whites living here in 1920. The committee can not help but feel that these plans have no merit other than as they may prove to be practical methods for carrying out a policy of restrictive immigration, and that it is the policy and not the method which is of major importance.

The committee did recognize the fact that the national-origins provision, based on the 1920 census, could be revised each 10 years and be based on the latest census, without changing materially either the number of quota immigrants who would be allowed to enter and without changing the relative proportion who would come from northwest and southeast Europe.

In order to maintain the same kind of immigration policy, based on 2 per cent of the foreign born living here, it is necessary to retain the 1890 census as the basis for allocation of quotas. If later censuses are used, such as 1910 and 1920, or 1930 when it is available, the number of quota immigrants would be greatly increased (unless the 2 per cent is lowered) and in any case the proportions who would come from northwest Europe and southeast Europe would be changed.

It was the judgment of the committee, however, that it is entirely practical to retain the 1890 census and make the quota-limit system which is now in operation a permanent national policy. It has five years of operation behind it, and with the support of an informed and sympathetic public opinion, each year will make it more secure. The committee, therefore, recommends the repeal of the national-origins provision of the immigration law of 1924 and the continuance of the quota-limit system now in operation.

The following members of the immigration committee have approved the foregoing report:

KARL DE LAITTRE, *Chairman.*	CHARLES NAGEL.
WALLACE M. ALEXANDER.	HENRY D. SHARPE.
R. B. BEACH.	EDWARD L. STONE.
THOMAS EVANS.	W. M. WILEY.
CHARLES R. HOOK.	WILLIAM H. WOODIN.
C. W. LONSDALE.	

PERSONNEL OF IMMIGRATION COMMITTEE

Karl De Laittre, chairman, president Bovey-De Laittre Lumber Co., Minneapolis, Minn.; Wallace M. Alexander, president Alexander & Baldwin (Ltd.), San Francisco, Calif.; R. B. Beach, president Republic Realty Mortgage Corporation, Chicago, Ill.; Arthur S. Bent, president Bent Bros. (Inc.), Los Angeles, Calif.; Stanley H. Bullard, vice president Bullard Machine Tool Works, Bridgeport, Conn.; Thomas Evans, vice president Merchant & Evans Co., Philadelphia, Pa.; Charles R. Hook, vice president American Rolling Mill Co., Middletown, Ohio; Charles W. Lonsdale, president Simonds-Shields-Lonsdale Grain Co., Kansas City, Mo.; Charles Nagel, Nagel & Kirby, St. Louis, Mo.; Henry D. Sharpe, president Brown & Sharpe Manufacturing Co., Providence, R. I.; Edward L. Stone, Stone Printing & Manufacturing Co., Roanoke, Va.; W. M. Wiley, vice president Boone County Coal Corporation, Sharples, W. Va.; William H. Woodin, president American Car & Foundry Co., New York, N. Y.; F. Stuart Fitzpatrick, secretary, manager Civic Development Department, Chamber of Commerce of the United States, Washington, D. C.

TENTH DISTRICT COUNCIL,
DEPARTMENT OF MASSACHUSETTS,
THE AMERICAN LEGION,
Rockland, Mass., May 19, 1929.

Hon. DAVID I. WALSH,
House of Congress, Washington, D. C.

DEAR SIR: At a meeting held in Brockton, Sunday, May 12, 1929, of the Tenth District Council, the American Legion, 32 posts, representing Plymouth, Barnstable, Dukes, and Nantucket Counties, unanimously adopted the following resolution:

"Whereas it has been brought to our attention the many injustices contained in the so-called national origins bill clause of the immigration law: Be it

"*Resolved*, That we petition our Senators and Representatives in Congress that they use their influence to have this clause repealed."

We ask your consideration of the sentiment contained within our resolution.

Sincerely yours,

JOHN R. PARKER,
Secretary Tenth District Council, the American Legion.

Mr. REED. Mr. President, does the Senator from North Dakota prefer to have the letter which he has sent to the desk read before I make the point of no quorum?

Mr. NYE. No; I prefer to have it read when next the immigration matter is taken up for consideration.

CHANGE IN DATE OF INAUGURATION

Mr. NORRIS. Mr. President, I renew my request that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Senate Joint Resolution 3.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 3) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, which had been reported from the Committee on the Judiciary with amendments, on page 2, line 3, to strike out "2d" and insert in lieu thereof "15th"; on line 5, to strike out "15th" and insert in lieu thereof "2d";

on line 18, to strike out the words "where the Vice President has not been chosen," and insert in lieu thereof the words "of the failure to choose the Vice President"; and on line 20, after the word "shall," to insert the word "then," so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of said Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 15th day of January, and the terms of Senators and Representatives at noon on the 2d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 2d day of January, unless they shall by law appoint a different day.

"SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The Congress shall by law provide for the case of the failure to choose the Vice President before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President or until the Senate chooses a Vice President.

"SEC. 4. This amendment shall take effect on the 15th day of October after its ratification."

Mr. REED. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Glenn	Metcalf	Steck
Ashurst	Goff	Moses	Steiwer
Barkley	Greene	Norbeck	Swanson
Blease	Harris	Norris	Thomas, Idaho
Borah	Harrison	Nye	Thomas, Okla.
Bratton	Hastings	Oddie	Townsend
Broussard	Hatfield	Overman	Trammell
Burton	Hawes	Patterson	Tydings
Capper	Hayden	Phipps	Tyson
Connally	Heflin	Pine	Vandenberg
Couzens	Howell	Pittman	Wagner
Cutting	Johnson	Ransdell	Walcott
Dale	Kean	Reed	Walsh, Mass.
Deneen	Keyes	Sackett	Walsh, Mont.
Dill	King	Sheppard	Warren
Edge	La Follette	Shortridge	Waterman
Fletcher	McKellar	Simmons	Watson
Frazier	McMaster	Smith	Wheeler
Gillett	McNary	Smoot	

Mr. HEFLIN. I desire to announce that my colleague [Mr. BLACK] is necessarily detained by illness.

The PRESIDENT pro tempore. Seventy-five Senators have answered to their names. A quorum is present.

Mr. TYDINGS. Mr. President, I would like to ask the author of the joint resolution [Mr. NORRIS] a question, but I do not see him in the Chamber just at this moment. I intend to vote for the joint resolution, but I would like to point out that it would be possible to secure the same result without amending the Constitution. The apparent object of the measure is to eliminate the lame-duck session of Congress.

Mr. NORRIS entered the Chamber.

Mr. TYDINGS. I am glad the Senator from Nebraska has come into the Chamber. I had just said, may I say for his benefit, that I intend to vote for the joint resolution, but I want to ask the Senator if he does not think that much of what is sought to be obtained in the form of a constitutional amendment could be obtained by a mere change of the statute?

I would like to cite this possible set-up: Suppose that Congress would come into session on the 4th of March following a presidential election and would stay in session until the 4th of June, three months, whereas now it comes into session on the first Monday of December and adjourns on the 4th of March, so that the 3-month session would still be had, as is now the case, except that it would be had with the new Congress instead of the old one; that the limitation for its meeting at the first session, if the Congress desires, could be fixed for three months for Members of either House if a long and unlimited session for any reason was undesirable; and that following that session the next Congress would meet in December and would remain in session as long as it desired to do so, just as it now does through a long session of Congress.

It has seemed to me that a change in the statute would secure what the Senator seeks to secure in his amendment, and I wondered whether or not he had considered the possibility of amending the present law fixing the time for the convening of Congress so that a constitutional amendment would not be necessary.

I know the Senator will answer that question in a moment, and before he does I would like to point out the fact that it may be that in the next 50 or 75 years the time fixed in the Senator's amendment would not be as desirable as it is to-day, just like the old construction placed on the Constitution as to the time fixed in it has been outgrown for present-day conditions, and that by putting those dates in the Constitution it would be necessary to amend it again in the event in the future the set-up contained in the joint resolution now pending was not desirable or best for the conditions then unfolding. I thought if we could obtain the same end, and it does seem to me to be possible to obtain it—perhaps not in so nice or as complete a way as the amendment would make it—we would have the language in an elastic shape, so that in the future if the dates set out in the pending amendment were for any reason deemed to be inadvisable or ill fitted we could again merely amend the statute instead of having to amend the Constitution.

Mr. NORRIS. Mr. President, let me say before I answer the Senator's question that I was called to the telephone by the Senator from Connecticut [Mr. BINGHAM], who is opposed to the joint resolution and wants to have an opportunity to be heard on it. That accounts for my momentary absence from the Chamber. Senators will remember that on yesterday I was about to get the joint resolution before the Senate when I discovered that the Senator from Connecticut was not here, and so I ceased from my attempt. I saw the Senator from Connecticut in the Chamber this morning and when I asked that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of my joint resolution I was under the impression that he was still here, and after the absence of a quorum was suggested I supposed, of course, in response to the call he would come into the Chamber. But I discovered that he was down in the city on semiofficial business attending a luncheon having to do with the Philippine question. He called me on the telephone. I told one of the clerks to call him when I found out where he was and then went to the telephone myself. He can not be here for an hour or so. I dislike very much to take up the resolution in his absence unless some one else wants to occupy the intervening time. I wanted to explain to the Senate the present parliamentary situation.

Now, I want to answer the question of the Senator from Maryland [Mr. TYDINGS], and it is a very proper question, too. In answer to the Senator I will say that if under the Constitution as it now exists we change the date of meeting, which we could do, and had Congress convene on the 4th day of March instead of the first Monday in December, it would put Congress to work in March after its election and it would be the new Congress; that is true. There are two or three objections to that course, however.

First—and in this I think I will be borne out by every Senator who has been compelled to work in the atmosphere of Washington during the summer time—we would always run into the hot summer months of the Washington climate. We would not be in session from January until the 4th of March, the best time of the year for Congress to operate, the best time in the year to do good work, so we would really be confronted with a short session during the heated term, and when the hot weather came it would be almost impossible to keep Congress here. It would be impossible to do really good legislative work during the hot part of the year here in Washington.

The time between the election and the time when Congress would go into active work would be from November until March, more time, in my judgment, than ought to exist; the best time in the year when legislators ought to be working and operating. It would be impossible for a new Congress under the present Constitution ever to assemble until the 4th of March, because the newly elected Members do not come into office until that time.

I note what the Senator said about putting the dates of meeting in the Constitution and that in 50 or 75 years from now conditions which we can not now foresee may exist which would make that undesirable. If the Senator will look at the amendment and compare it with the present provision of the Constitution, he will find that the amendment itself provides, as does the Constitution now provide, that Congress can fix any other date of meeting. If the time of election were changed, then a condition might arise in which it would be desirable to change the time of meeting. If we could conceive of the time when we would not hold the election in the fall, that suggestion would be worthy of consideration.

All the amendment does is to change the date of the beginning of the term of the President and Members of Congress.

Some lawyers of great ability have argued in times past that we could make that change without an amendment to the Constitution, because the term of office is not fixed in the Constitution; but we are confronted with the dilemma that the Constitution does fix a definite term for Members of the House and of the Senate and of the President. The beginning of that term is not fixed in the Constitution, and neither is the end. The beginning of Congress, as I remember the history of it, was fixed by a statute. In other words, after the Constitution had been adopted fixing a definite term, the beginning of the term was fixed by statute. That being true, a man now in office in the House or a President in office having the beginning of his term fixed and a constitutional limitation as to the length of his term, necessarily under the Constitution his term expires at a certain fixed date. I think it must be conceded by constitutional lawyers that we can not by legislative act shorten the term of the President of the United States nor of Members of the Senate nor of Members of the House of Representatives. My amendment does all three of those things—very slight, it is true, but necessary in order to get the Congress to convene soon after the election and in order to put the new Congress instead of the old Congress to work.

I would like to ask the Senator from Maryland if I have answered his question?

Mr. TYDINGS. I think the Senator not only has answered it completely but so logically that I am inclined to agree that his amendment rather than that a change by statute should be had.

Mr. DILL. Mr. President, I should like to say further in answer to the question of the Senator from Maryland that there would be no Congress in session to receive the election returns and to elect a President in case the Electoral College failed to make a choice.

Mr. NORRIS. That is true; and I thank the Senator for the suggestion.

Mr. TYDINGS. Of course, the Senator will realize that Congress could meet for just one day and we could amend the Constitution in that respect without changing the whole machinery of government, which would be a much simpler amendment than the one the Senator from Nebraska sponsors. I had not lost sight of that, but I was dealing with the Congress itself.

Mr. NORRIS. The Senator, I think, misspoke himself. We could arrange for a session of Congress without an amendment to the Constitution so as to take care of that.

Mr. TYDINGS. Oh, yes.

Mr. NORRIS. But, in the first place, that would necessarily have to be the old Congress.

Mr. TYDINGS. That is correct.

Mr. NORRIS. And unless——

Mr. TYDINGS. Unless some candidate had received a majority vote the old Congress might pick out a new President.

Mr. NORRIS. Yes.

Mr. DILL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. Yes.

Mr. DILL. When this measure was before the House of Representatives at the last session of Congress I recall it was defeated largely because of the argument that there was not sufficient time afforded within which to organize the House and elect a President in case the Electoral College should fail to elect. Is there anything in the proposed amendment now that changes the situation in that respect?

Mr. NORRIS. No; the amendment as amended by the committee—and the committee amendments have already been agreed to by the Senate—is in the exact form in which the joint resolution passed the Senate the last time, and in practically the same form in which it has passed the Senate on four different occasions.

I realize, Mr. President, that that argument has been made; but, under the proposed amendment, Congress would have two weeks' time before the beginning of the term of the President in which to count the votes. I presume that in most States, as is the case in mine, no such time as that is allowed to canvass the votes for governor. The terms of the governor and members of the legislature begin at the same time in most of the States—on the same day and at the same hour. The legislature canvasses the votes.

No matter what we might do, we can imagine a case where the best government might fail; we can imagine that all kinds of things might happen; but I can not conceive, Mr. President, of Congress not being able to canvass the votes in two weeks' time. If I were to follow my own inclination I myself would shorten that time to one week instead of two weeks. The subject was debated very seriously several years ago, when the subcommittee of the Judiciary Committee had the matter in hand, and we fixed two weeks' time, on the theory that we could not conceive of more time than that being necessary. So I am not anticipating any difficulty as to that.

All the arguments, Mr. President, which are made against the proposed amendment are not, in my judgment, always made in good faith. To begin with, I want it understood that I am not criticizing any man for opposing the amendment, and I am conceding that those who oppose it do so conscientiously; but I have very often come in contact during the last six years in the consideration of this measure with Members of Congress who have urged objections to it which to my mind were only excuses on which to base opposition, and they were really opposed to the amendment for other reasons which to my mind were clear but which no one would probably give as reasons for opposition to the amendment.

Mr. DILL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield further to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. DILL. Regarding the matter which I mentioned a moment ago as to the inability of the House to act, the one argument which seemed to me to have considerable basis was that there might be a failure to organize the House—it has happened in the past that the House was unable to organize for some time—and therefore it would not be in a position to do business because it had not been organized, and consequently would not be able to elect a President. I myself do not think that is a very serious danger, but it seemed to be the argument that had the deciding weight in the fight that was made in the last session of Congress when the proposed amendment was defeated in the other House.

Mr. NORRIS. My judgment is that argument did not have the deciding weight. I do not know of any argument that did have the deciding weight. I will state what I think the real reason for opposition was.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I will yield in just a moment.

There are a good many people, and very fine people, too, in this country—some of them are Members of Congress—who are constitutionally opposed to amending the Constitution. They will say so frankly. I know on one occasion when we voted on this very amendment after a roll call a Member who had voted against it told me that he could not see any objection to the amendment; that he thought it would bring about a very necessary reform, and he was sorry it was not in the Constitution. "But," he said, "I would not vote for any amendment to the Constitution, and that is the reason why I voted against the joint resolution."

Mr. DILL. I wish to say to the Senator that I am not advancing this argument as my own.

Mr. NORRIS. I understand that.

Mr. DILL. I am extremely anxious to see the joint resolution proposing the amendment passed, not only by the Senate but by the House of Representatives, but I wanted to get any suggestions the Senator from Nebraska might have to make in answer to that argument, in the hope that they might be persuasive on the minds of those who have attached weight to it.

Mr. NORRIS. Mr. President, in the first place, the time might come when the House of Representatives could not organize; the time might come when the Senate could not organize. I can imagine a good many things that might happen over a term of years. We might have such a condition right now. If the President and the Vice President of the United States should both die or should both be killed, for instance, in an automobile accident, we might have a great deal of difficulty in knowing just what to do about the selection of their successors, although we have provided for a succession in office by law. I do not believe a constitution can be adopted that will provide for every possible contingency that may arise. Besides, all such contingencies exist now and always have existed. I do not know of any way to escape them. Now I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I regard this amendment, if it should be adopted, as providing a tremendous improvement on the present system, and it is really difficult to understand what reason can be advanced against such a very necessary amendment to the Constitution. Certainly the present condition is one that ought to be remedied, and I imagine that every person who has ever thought about the situation must realize that it is necessary that some other plan should be adopted. It is so obvious that I can not understand why the House of Representatives has never voted on the proposed constitutional amendment. I do not believe it has ever voted on it.

Mr. NORRIS. Yes; it has voted on it.

Mr. McKELLAR. It did vote on it at one time?

Mr. NORRIS. Yes; in the last Congress.

Mr. McKELLAR. And voted it down?

Mr. NORRIS. It carried by a large majority, but it did not have the necessary two-thirds majority.

Mr. McKELLAR. So the Senator's purpose now is to have the proposed amendment to the Constitution adopted by the Senate as soon as possible, so that the House may have ample time in which to give it consideration with a view to its final submission to the States at the present session. I certainly hope the amendment to the Constitution proposed by the Senator will be adopted by the Senate; that it will be sent over to the House, and that, upon reconsideration and reflection, that body will also adopt the amendment.

Mr. BRATTON. Mr. President——

Mr. NORRIS. I yield to the Senator from New Mexico.

Mr. BRATTON. I want to join with the Senator from Tennessee in his expression of commendation of the proposed amendment to the Constitution and in urging that its adoption by Congress be hastened. In my opinion, should the proposed amendment finally become a part of the Constitution, it will improve the present situation and lessen the hazard of difficulties which might easily be conceived under the present legal status. Although the pending proposal may not be perfect, it will make a substantial improvement over the present arrangement. I hope the joint resolution will be passed by the Senate forthwith, and that it will receive the approval of the body at the other end of the Capitol during the present session of Congress, in order that it may be submitted to the several States for their approval.

Mr. NORRIS. I have no doubt that if it were submitted to the States there would not be a State which would reject it.

Mr. SWANSON. Mr. President, I hope the Senator will give me a few minutes to express my commendation of the joint resolution.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I shall be glad to yield the floor and let the Senator speak in his own time.

Mr. SWANSON. Mr. President, I think the reform embodied in the joint resolution now pending proposing an amendment to the Constitution of the United States is one of the most valuable that has been presented for the consideration of Congress in a long time. I believe such an amendment to the Constitution is needed and that it will correct some of the worst abuses from which we suffer in connection with legislative procedure.

First. It will prevent a man being potential in speaking for the country when his constituency shall have repudiated him. It will let the living legislator and not the dead pass on the legislation of Congress, which is a fundamental principle which should be adhered to by a progressive and up-to-date government.

Second. The constitutional amendment, if finally adopted, will prevent filibusters and legislation by blackmail. It will put an end to that condition under which in a short session an individual Senator may prevent the enactment of desirable legislation unless some measure in which he is interested is also allowed to pass.

I have been here for a great many years, and I know that at short sessions of Congress the judgment of the Senate and the judgment of the House have frequently been coerced and both bodies have been made to record themselves in a manner contrary to the wishes of the majority.

Under present conditions a Senator may come upon the floor of the Senate and say, "If you do not consent to a certain amendment in which I am interested, I will filibuster against the pending bill." All the filibustering which we have occurs in short sessions; and it frequently happens that rather than let a measure fail, necessitating a call for an extra session of Congress, legislation that ought not to be enacted is accepted by the Senate and by the House on account of the coercion which may be employed during a short session. Filibusters do not occur at long sessions of Congress, because the filibusterers wear themselves out. During a long session all that is necessary is to continue in session for a sufficient length of time, and thus let a filibuster exhaust itself.

Two evils grow out of short sessions of Congress: First, legislation by blackmail; that is, legislation is forced on bills contrary to the judgment of the Congress; and second, legislation is defeated which in the judgment of Congress should be enacted.

These have been the two evils which have brought the Senate, more than the House, into disrepute.

The constitutional amendment proposed by the Senator from Nebraska would prevent such a situation arising. No Senator could come on the floor and force the adoption of an amendment or else defeat the legislation which was pending. I think the complaints and criticisms which have been directed against Congress, and especially against the Senate, would be eliminated by the adoption of such a constitutional amendment as is here proposed. I do not know of a measure which has in it greater hope of bringing about a valuable reform of insuring honest legislation and the carrying out of the convictions and will of a majority of the Senate and the House than the measure now before us, which has been so persistently advocated by the senior Senator from Nebraska [Mr. NORRIS].

I have been astounded that the House of Representatives has repeatedly defeated the consideration and passage of the joint resolution proposing the constitutional amendment. I hope the pending joint resolution will be passed by the Senate and sent over to the House in time to enable the Members of the House, who complain of the Senate and of its delays and filibusters, to put it through, so as to prevent any recurrence in the future of the evils to which I have referred.

Mr. BLEASE. Mr. President, I have not any doubt that if the present President of the United States had the politicians here and those over yonder at the other end of the Capitol at home and could turn back the flight of time to about the 4th of March he would get great pleasure in leaving them at home. I thought, so far as I was individually concerned, that he was making a mistake in calling the extra session of Congress, and I so expressed myself to several people. Just coming into office, as he was, under the conditions and circumstances existing, I thought he would take nine months to put everything in good shape and working order, and then Congress would meet in regular session, instead of bringing Congress here in extraordinary session. I repeat, I think if he had it to do over, possibly that is the course he would pursue.

I am glad that the statesmen at the other end of the Capitol have each time seen fit to kill the political work of this body as exemplified in the pending joint resolution, and I hope there will be sufficient statesmen over there to kill it again as soon as it reaches their door.

The distinguished Senator from Virginia [Mr. SWANSON] has just spoken of filibustering. Mr. President, I do not suppose filibustering was so bad when Thomas F. Bayard and Arthur P. Gorman stood upon the floor of the Senate for days and nights and filibustered to keep the heel of the negro from being placed upon the white man's neck in the South. I do not suppose filibustering was so bad when men like Henry Cabot Lodge, whose equal in brains and in intelligence has not been reached in this body for some years, stood here and engaged in a filibuster. I suppose filibustering was not so bad when John C. Calhoun, one of the greatest statesmen who ever sat in this body, engaged in filibustering. I do not suppose it was quite so bad when John Warwick Daniel, of Virginia, stood here and engaged in filibustering to keep again the heel of the negro voter from being placed upon the white women of South Carolina and Virginia and other Southern States. I think filibustering very often is very worthy; and it may be possible that the distinguished Senator from Virginia himself will be a filibusterer before this extra session adjourns if the House sticks to what it did yesterday afternoon between 6 and 7 o'clock p. m. And possibly it was not so bad to carry on a filibuster when, a few years ago, an antilynching law was brought into this body which would have been a disgrace and an insult to every white woman in the Southern States and in any other State of the American Union.

I shall not vote for this measure. I do not believe it is a good measure, and I have never believed it. I may be mistaken; I may have read wrongly; I may have been taught wrongly; but I do not believe the Senate and House of 1929 have, as a body, the brains and the intellect that was in the Constitutional Convention that wrote the Constitution of the United States of America. I know that South Carolina has not got it here, and I do not believe that any other State in the Union is represented here by a man who would be so egotistical as to stand upon this floor and state that he thinks himself a greater statesman than the men who wrote the Constitution of the United States of America. If there is such a man, I should like to see him. I will see that he is awarded a medal for being the greatest egotist that this country has ever produced.

Another thing I do not like, Mr. President, is this way of contemptuously referring to "lame ducks." I do not want to say anything to hurt anybody's feelings, but I should like to have somebody tell me if they consider that James A. Reed, of Missouri, was less worthy to represent Missouri on the floor of the Senate, after his 18 years of service, from December, 1928, until the 4th of March, 1929, than he was at any other time?

I should like to ask if any man will tell me that William Cabell Bruce, who sat here—the greatest scholar who has been in this body, so I have understood, since Henry Cabot Lodge

left it—was any less worthy from December, 1928, until the 4th of March, 1929, or any less able to represent the State of Maryland than he was when he came here?

In this connection, Mr. President, I may say that William McKinley—in my estimation one of the best Christian Presidents this country ever had—was twice a "lame duck"; once in 1884, when his election was successfully contested after he had served in the House of Representatives up to that time; and again in 1890, when he was defeated for reelection to the House after the passage of the famous McKinley tariff bill. And yet this great man, whom some persons would call a "lame duck," was subsequently honored with two terms as President of the United States; and many other men of great talent have been defeated and later returned to the House and Senate.

I should like to ask, if I could do so without drawing comparisons and hurting anybody's feelings, if there are not some other States here that would admit that the men they have here to-day are not as competent and as worthy in some respects to represent their States as the men who formerly were here, because the men who are here to-day are new men. They have not had the experience, they have not had the training, they have not had the opportunity that their predecessors had. They may make greater men than the "lame ducks"; but who is more competent to represent this Government—those men, with their 12 and 18 years of service, from the 1st of December until the 4th of March, or a man who has just come here, with no experience?

As I say, I do not say one word against one of them, and I do not want any of them to think so; but it takes experience in this body, it takes age in this body, it takes men to study in this body; and I think one of the worst rules we have in it is this rule of seniority. I think the ablest man on a committee should be its chairman and not the man who has been there the longest; and there are other reasons why I think this joint resolution is a dangerous measure.

"Lame ducks!" Why slur a Senator who has sat here by calling him that? It reminds me of some people I hear talk in this same town about the "kids"—instead of calling them children, calling them "kids"—billy-goat babies! [Laughter.] I should imagine any man would hate mighty bad, if a doctor was at his home with his wife, and the man was pacing up and down the hall, if the doctor should come out and say, "Yes; your wife has come through all right. She has a kid"; and I am the same way about this "lame-duck" business. I do not believe in it. I think it is an insult to the woman and to the child, and I think it is an insult to the Senator and to his mother.

I do not know whether I shall ever be complimented by being called a "lame duck" or not, and I care very little, so far as that is concerned. It makes very little difference to me either way; but, if I should be, I certainly would go out of this Chamber with the full knowledge that I have more sense, more intelligence, and that I have profited by having the honor and the privilege of associating with the gentlemen here instead of going out and thinking that I was more ignorant than I was when I got here, and a "lame duck." I do not believe in those things; and I do not propose to sit here and let this joint resolution go through and not voice, so far as I am individually concerned, my protest against the reference to filibustering and against the reference to "lame ducks" as applied to Senators who are as able and as distinguished as any man in this body to-day.

Oh, it is said, "They were defeated." Why, yes; some of the best men in the world have been defeated. Wade Hampton was defeated in South Carolina. A man almost unheard of outside of his own State was sent here to take his place. That man is dead. You very seldom ever hear his name mentioned. The man whom he defeated will in a few days have a statue placed in that hall out yonder to commemorate his memory as one of the greatest sons South Carolina ever had.

Gen. Matthew C. Butler was defeated—another very able man and a very distinguished man. He was defeated by Benjamin R. Tillman, who came here and served longer than any man from South Carolina, I think, with the exception of one, has ever served. Was Senator Butler, after 18 years of service, any less worthy to represent that State? "Lame duck!" Yes; he was lame. He had only one leg; the other one was shot off in the Confederate war, leading a cavalry charge in the defense of the Southern Confederacy.

I could mention other States in the Union where the same thing occurred; but, as I say, I do not wish to hurt anybody's feelings. I do not wish anybody to think I am drawing comparisons; but you can think in your minds of men who have gone out of here and have been succeeded by men who lacked a whole lot of being as brainy as the ones they succeeded. Why slur them as "lame ducks"? Why say that they shall be so spoken of?

Another thing, Mr. President: Some people want to change the Constitution at every little whim; it does not make any difference what comes along. That is so in my State, I am sorry to say. We have some people in South Carolina who say, in connection with everything that comes up, and some one says they think it is unconstitutional, "Well, let us change the constitution. Let us switch it about and change it around."

If the Constitution needs amending, if we think we have the brains to put more in it than is in it, if we think we have the intellect to write a greater law than that, let us call a constitutional convention like men; let them assemble here in Washington; let them write a constitution of the up-to-date variety, and let them write a constitution to suit the Power Trust. Let them write a constitution to suit the Newspaper Trust. Let them write a constitution to suit everybody. Let them bow down to every power and to every little sniffle whim, and change the Constitution of the United States to suit some condition that happens to appear to-day.

I say we should stand by the Constitution. We can pass laws to correct any evil that the Constitution has failed to correct. I never heard anybody make any speech about it that has offered any suggestion that would improve it.

Oh, yes; they put in the whisky amendment. I have not anything to say about that. Everybody knows my position on the whisky business. I put an article in the RECORD here yesterday from one of the "big Ikes" of the prohibition movement in which he said there was more crime in this country to-day than in any country in the world where we were spending our money to send missionaries. I see, under the constitutional amendment, young boys and girls drinking whisky at public entertainments. Very recently I saw two beautiful girls and two very handsome boys come into a dining room. They sat down at the table. The waiter came up, and one of the boys deliberately reached back in his hip pocket and pulled out a silver flask, wrapped it up in his napkin, and passed it to the waiter. The waiter carried it out of the dining room, and came back in a few minutes to these people, sitting right at the table near me, with four highballs. They drank that. In a short while that was repeated. When the young man went to pay his bill, this waiter came back and had this flask wrapped up as he had carried it out. The boy put it back in his pocket, paid his bill, and two boys and two girls from two of as good families as there are on this earth walked out of that dining room staggering.

I never saw that before the Constitution was amended. I never heard a girl ask a boy when she started out with him if he had anything on his hip before the Constitution was amended. There are a good many other things I could call attention to; and I say that you had better let that old Constitution alone as it was written. Pass your laws if you want to; then, when emergencies arise, you can change them to meet that issue.

The Constitution has been changed in another particular—woman suffrage. Mr. President, I am not so sure that they did such a great piece of work when they did that. I lack a good deal of giving my full support and my hearty congratulations to woman suffrage when I see some things that are going on to-day. Down in my State some people said, "Oh, yes; woman suffrage has passed now. Such-and-such a class of women"—what they call the aristocrats, the "big Ikes"—"would not go to the polls." They said, "Oh, the southern women would not vote. They were not going to register." What happened? They were the first ones that went. Many of the farmer boys' wives and the cotton-mill boys' wives refused to register in South Carolina. They said they were not going to vote. I have heard men make the statement that if their wives registered and voted they never could eat at their table any more; they did not propose to marry a woman or live with a woman who wanted to go around and mess up in politics and mess about with the men all over the country. They said they would not do it.

Now, what did I have to do? I had to go around among my folks and tell them, "Why, you are acting foolishly. These opponents of ours over here, these people on the other side, are all registering. For instance, a fellow over yonder has a wife and two daughters and himself, voting 4 votes, and you are sitting over here with your wife and two daughters and yourself and you are just voting 1 vote." Finally I convinced them that if the other side was going to vote our side must vote; and then I got to the Senate. [Laughter.] Still, Mr. President, I do not give my approval to that change.

If I had my individual way, I would cut the woman suffrage and prohibition amendments out of the Constitution and leave each State of the American Union to do as it pleased about such matters. If I had my way, I would put woman back on the

pedestal where she belongs—at home, the mother, God bless her; high above everything else on this earth, too far superior to some men even to look at them, much less to touch them. If this country is saved, Mr. President, it will be by the women and at the family altar.

Woman is the greatest creation that God ever made, and the proof of that is that all of His creations were in the ascending scale, and He made woman last. That is high proof of the fact that she is the grandest and the noblest of them all. I would love to see her stay in the high place where she belongs.

If it had not been for the woman suffrage amendment, Mrs. Willebrandt would not have left her job and gone home broken-hearted and disappointed. If it had not been for that amendment, some other good folks who will be put on the scrap heap would never have been drawn out of their homes to be looked at for a while and admired and then discarded because their political acts, or something else, did not please some little Ransy Sniffles running around carrying messages.

I know this resolution will not pass the House. I call on the statesmen over in the other body to kill this resolution again, and to keep it killed, and let the Constitution of this Government stand, and let us abide by it. If we would abide by it closely and make less effort to change it, this country would be a great deal better off from every standpoint.

As I have said, I know the resolution will pass in the Senate. I can not help that. I can only voice my own sentiments about it. I hope that when it does pass here, however, the statesmen of the House will rise in their majesty and set aside the acts of the politicians.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The question is on agreeing to the first amendment reported to the joint resolution.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Glenn	Norbeck	Thomas, Idaho
Bingham	Goff	Norris	Townsend
Blease	Harris	Nye	Trammell
Bratton	Hastings	Oddie	Tydings
Broussard	Hatfield	Overman	Tyson
Burton	Hawes	Phipps	Vandenberg
Connally	Hebert	Ransdell	Wagner
Couzens	Heflin	Reed	Walcott
Cutting	Johnson	Sackett	Walsh, Mass.
Dale	Kean	Schall	Walsh, Mont.
Deneen	Keyes	Sheppard	Warren
Dill	King	Shortridge	Waterman
Edge	La Follette	Simmons	Watson
Fletcher	McKellar	Smith	Wheeler
Frazier	McMaster	Steck	
Gillett	Metcalf	Steiwer	
Glass	Moses	Swanson	

The PRESIDENT pro tempore. Sixty-five Senators having answered to their names, a quorum is present.

Mr. BINGHAM obtained the floor.

Mr. BURTON rose.

Mr. BINGHAM. I ask the Senator from Ohio if he desires to proceed this afternoon. If so, I shall be glad to yield the floor for the present.

Mr. BURTON. I shall be entirely willing to go on at this time if that is agreeable to the Senator.

Mr. BINGHAM. Certainly.

The PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BURTON. Mr. President, I rise to support this resolution. It seems to me very clear that the fundamental principles of popular government will be promoted by the adoption of the amendment proposed. I do not regard it as necessary to make any extended remarks, as the Senate has on previous occasions passed a resolution similar to the pending resolution.

There are several fundamental facts which it might be well, however, to mention. In the first place, the present arrangement as to the meeting of the Congress and the inauguration of the President was due to conditions entirely different from those which now prevail—the absence of rapid means of transportation; the absence of any method for the ready transmission of news; a custom, quite universal at the time, of giving to those elected to public positions ample time for the adjustment of their own private affairs in preparation for a considerable absence. The Continental Congress, on the 13th day of September, 1788, providing for the selection of presidential electors and Representatives in Congress, fixed the first Wednesday in January for the selection of electors in the respective States, the first Wednesday in February for the electors to assemble and vote for President and Vice President, and the first Wednesday in March for commencing proceedings under the Constitution.

The first Wednesday of March of the succeeding year, 1789, was the 4th of March, and by an act passed by Congress in March, 1792, it was provided that the terms of President and Vice President should close on the 4th day of March after election. That was the manner in which that date was fixed, and it has been continued from that time to this.

With the very great difference in modern conditions, it can be seen that there is no reason for the long interval between the election and the induction of the President into office, and more especially is it true that there is no reason for the long interval between the election and the first Monday in December of the following year before the Congress shall meet.

I wish to call attention to the custom in divers other countries in regard to the time after the election when a legislative body meets. In England the Parliament usually convenes in two or three weeks after election. I believe the 25th of June has been fixed for the meeting of Parliament at this time, slightly over three weeks after the election.

In Canada there is no definite time fixed by law, but the time has generally been short, conditions being analogous to those prevailing in England.

In France the Chamber of Deputies, in the case of a new election, is convened within 10 days following the close of the election.

The German constitution of August, 1919, provides that the Reichstag shall assemble for the first meeting not later than 30 days after the election.

In Hungary the date of assembly is within six weeks; in Australia 30 days after the day fixed for the return of the writs of election.

In Brazil the interval is somewhat longer. Elections are held on the first Sunday in February, except when they occur in the same year with the elections for President and Vice President, which are held on the 1st of March. Congress must assemble May 1. In the first case there is an interval of three months, and in the second of two months. The conditions which exist in Brazil are somewhat similar to those which existed in the United States in the days of the formation of our Government. The Netherlands State Assembly must convene within three months. The Polish Parliament must convene on the first Tuesday after election. In Argentina the elections take place on the first Sunday in March, and the constitution requires Congress to meet on May 1.

There is nothing like this long interval in the constitution or laws of any State of the Union. The usual time for the meeting of the State legislature after the November election is at a very early date in January. It seems to me the custom sanctioned by our present order of things is altogether incongruous. Congress could itself, by legislation, remedy the existing order of things except for the fact that any such legislation would, contrary to the wording of the Constitution, shorten the terms of the President and Vice President, shorten the terms of Senators, which by the Constitution are fixed at six years, and by implication shorten the terms of Members of the House of Representatives.

I might mention one reason for the later meeting of Congress which did exist until the passage of the amendment for the popular election of Senators, and that is that in most States—though there were some exceptions as there was for a time in the State of Ohio where the election was the second January before the Senator took his seat—the election of Senator was held in the early part of the year following the general election. That made it practically impossible for the Congress to meet early in January following the November election.

While no illustration has been stated of what might happen under the present system, nevertheless it is possible that if one party should be in power at the date of the November election and that organization should be dislodged by an adverse vote, under the present system with the Congress meeting for the short session from December to March following the outgoing Congress and administration could enact legislation which would make it utterly impossible for the incoming administration, at least for the first two years, to follow out the mandates of the people.

Mr. President, I believe I have nothing more to say on the subject. It seems to me the present system is entirely incongruous, is not in accordance with the best ideas of popular government, and, if we mention the matter of popular support, that the change has the overwhelming support of the people of the country.

Mr. BINGHAM. Mr. President, first I want to express my thanks to the author of the resolution, the Senator from Nebraska [Mr. NORRIS], for the great courtesy that he has shown me on two or three occasions, when the matter might have come up and I was kept from the floor of the Senate by other business, in not pressing it.

On yesterday there was a very solicitous inquiry on the part of the Senator from Alabama [Mr. HEFLIN] as to my where-

abouts. I am sorry that he is not in the Chamber at this time, for I would like to tell him that I was making a speech in Massachusetts. I am sure that he would sympathize with me under the circumstances.

The proposed amendment to the Constitution which has passed the Senate several times has had a rather interesting history. With it there has been coupled the agitation for a change in the date of the inauguration of the President. That has gone along with the movement to change the time of the sessions of Congress. There have been many attempts to change the date of the inauguration and they have been based mainly upon two grounds: First, in order that the inauguration date might come at a more favorable season of the year.

Those of us who were in Washington when President Taft was inaugurated will remember the terrible storm that took place, which caused a great deal of illness and several deaths. Those of us who were here on March 4 of this year will remember the sympathy we had for the noble red Indian who was so lightly clad and rode a horse in the cold, cold rain. It has been felt that it would be wise if we could have it at a time when we would be more likely to have better weather in Washington.

The other reason is that it is believed by some that it would be wise to have the President's term fit logically into the plans for changing the beginning and ending dates of the meeting of Congress. Of course, as has been said repeatedly by opponents to the amendment to the Constitution, it is not necessary for an amendment to the Constitution to take place in order to change the date of the meeting of Congress. That can be done by law; and a great many of the arguments which have been raised in regard to the date of the meeting of Congress and the necessity for an amendment to the Constitution on that account fall by the wayside in view of the fact that Congress could change that law.

It may be of interest to Senators to remember that in 1876 a resolution was introduced in Congress to change the date of the inauguration to May 1. In 1886 an attempt was made to change the date to April 30, so as to have it fall on the anniversary of Washington's first inauguration. In 1889 another amendment was introduced fixing the last Tuesday of April as inaugural day, it then occurring on April 30 of that year, the object being to celebrate the one hundredth anniversary of Washington's first inaugural.

It is worth noting that since 1889, 81 amendments have been presented in some form or other attempting to change the date of Inauguration Day. Eighteen of them have designated April 30 as the date, 5 have designated the last Wednesday in April, 14 the last Thursday in April, 2 the first Tuesday in May, 22 some date in the early part of January, as is done in the resolution now before us, 19 designating a day in the latter part of January, and 1 the second Monday of December.

Although March 4 has generally proven itself a bad day, as Washington newspapers told us recently in working out the history of the weather on that date, and frequently the weather has spoiled ceremonials and pageants attendant upon the installation of the new President, the difficulty of any change of date has been in the inability of Congress to agree on any specific date in the spring as being more certain to furnish good weather than any other date.

In the consideration of Senate Resolution 83 on May 10, 1898, after that very distinguished Senator from Massachusetts, the late Senator Hoar, had spoken of the inclement and disagreeable weather of the preceding inaugurations and had pleaded for the more agreeable date provided in his resolution, which called for the last Wednesday in April, Senator Perkins, of California, showed by reports from the Weather Bureau that from 1873, when the Weather Bureau was established, until 1897, inclusive, the year before Senator Hoar's speech was made, the only advantage of the last Wednesday in April over the 4th of March seemed to be that on three of the April days there were high winds and threatening weather instead of snow or sleet, whereas the other days matched up quite evenly with good and bad.

Another objection to the last Wednesday in April or any particular day of the week is that it would cause a change from term to term in the exact number of days in the term of the President. The Constitution states that the President's term shall be four years, but as the week days by name advance from year to year, the term of one incumbent would be less than four years while, of course, his successor would have more than four years.

In answer to the contention of those who have sponsored this and other similar resolutions that it would obviate the difficulties and inconvenience consequent upon March 4, it was shown that in about 200 years that date occurred on Sunday but six times, this infrequency being ascribed to the peculiar results attendant upon Inauguration Day coming in the year following leap year.

There has been much discussion in Congress as to whether it is necessary to change the date of Inauguration Day by a constitutional amendment, the Constitution proper specifying no exact date for the inauguration. Those in favor of the constitutional amendment maintain that since the President's term was fixed at four years by the Constitution, an extension or curtailment of that period, which would be necessitated by a change in the inaugural date, could only constitutionally be effected by an amendment.

During recent years the resolutions seemed to tend to have the President's term end sometime in January, irrespective of weather conditions. This seems to be due to the fact that in nearly all our States the governors are inaugurated as early in January as possible, so as to begin their terms as early in the calendar year as may be. It is also due to the fact that in unusually severe weather the inaugural ceremony can be held in the Senate Chamber, as was done on March 4, 1909, when Mr. Taft was inaugurated.

An interesting objection to having the inauguration occur in January was presented in the Sixty-eighth Congress in the minority report opposing the passage of the House joint resolution. This minority report declared that as the President, by reason of the intensive campaigning, is subjected to severe physical strain prior to the election, and as after the election he is compelled severely to exert himself in preparing his message to Congress, supervising the Budget, planning governmental policies, selecting the Cabinet, making speeches, and answering a great mass of correspondence which always falls to the lot of a newly elected President, it is dangerous for him to take up the burdens of the presidential office only two months after election. The present system, which permits four months' preparation, is more humane.

Senators will remember that the present occupant of the White House took occasion during the four months' period between his election and his inauguration to go on a good-will journey to our sister Republics to the south. There seems to be no question whatever that this trip was of mutual advantage both to the President and his country and to the other countries concerned. They all recognized him as the new man in office. In the South American Republics there is no particular interest at any time in the President who is going out of office. The new man is the one to whom all honor is paid, and they appreciated very greatly his visit. They felt that it gave them an opportunity to present matters to him which they would never be able to present in such a way and under such favorable circumstances to an actual President, and they welcomed his visit as being a sign of his interest in the Latin-American Republics, and it did a great deal of good. It is to be hoped that it might be repeated in the future.

At any rate there is certainly much weight in the position which has been taken that following the strenuous election and with all that must precede a President's immediate induction into office, to give him no vacation at all, but to bring him practically immediately after election into the busy days of picking out his Cabinet, writing his inaugural address, preparing his Budget, collecting his advisors and meeting all the thousands of callers, office seekers, and friends, and those who have some message which they would like to incorporate in his inaugural address, would be a very unfortunate thing.

The history of resolutions on this subject indicates the impossibility of a constitutional amendment ever being adopted merely for the purpose of furnishing a pleasant day for inaugural ceremonies, since there is rightly so much objection to tinkering with the Constitution. It is probable, however, that in adjusting the congressional term, a subject previously discussed, the date of the inauguration will be changed for the benefit of the new plan finally chosen, and this was done in the last four resolutions on the subject which passed the Senate.

Before taking up a discussion of those, Mr. President, I should like to read a portion of the remarks made by Mr. TILSON, the Representative from the third Connecticut district, and the majority leader of the House, at the last session when a joint resolution, virtually the same as the one now before us, was being debated by the House.

Mr. KING. Mr. President, will the Senator from Connecticut yield to me?

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the Senator from Connecticut yield to the junior Senator from Utah?

Mr. BINGHAM. I yield.

Mr. KING. Will the Senator give the date of the CONGRESSIONAL RECORD where the address from which he is reading may be found?

Mr. BINGHAM. I have the matter in the form of a reprint, I will say to the Senator, but it was published in the CONGRESSIONAL RECORD for Thursday, March 8, 1928. I am sorry that

I have not the exact page of the RECORD here, because the reprint from the RECORD has been differently paged. Mr. TILSON said:

Mr. Chairman, it is a matter of sincere regret that I find myself in opposition to a report and recommendation of one of the fine committees of this House.

May I say at this point, for the information of the Senate, that the junior Senator from Ohio [Mr. BURTON], who has just spoken in favor of the joint resolution, had the duty of presenting the resolution to the House, of which he was then a distinguished Member. But referring to what Mr. TILSON said:

I should not allow myself to take this position if I could by any proper means bring myself to support the proposition recommended. This is not a party matter, however, in any sense whatever, but it is a matter which each Member must square with his own conscience, and this is what I must do. Hence my attitude.

Changing the time for the meeting of Congress is not the most important matter in the world. During all the 140 years under the Constitution no Congress has ever deemed it a matter of sufficient importance to even legislate upon the subject, although during all those years Congress has had full, complete, unlimited power to legislate and to fix as the date of meeting any day in the year. If it be a matter of so great consequence that Congress convene on any particular day of the year, why was not the discovery made long years ago and that day selected by an act of Congress?

I am sorry that the Senator from Nebraska [Mr. NORRIS] does not happen to be in the Chamber, because I should like to ask him—perhaps some of the Senators here present can answer the question—whether there has ever been introduced into the Senate any proposed legislation seeking to change the date of the opening of Congress without changing the Constitution.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the junior Senator from Utah?

Mr. BINGHAM. I yield to the Senator from Utah.

Mr. KING. When one of these resolutions was under consideration several years ago I offered a bill as a substitute for the resolution then pending which called for a change of the date of the meeting of Congress. Aside from that, I am not advised as to whether any other such measure has ever been offered. I submitted that bill not because I deemed there was any great necessity for the change but as a foil to the measure which was being urged, because I was opposed to the constitutional amendment.

Mr. BINGHAM. Can the Senator from Utah tell us what became of his bill?

Mr. KING. My bill was offered at the same time the resolution was under consideration, and, of course, it received but little consideration. It did not go to a committee, and I did not ask that, because I saw how futile it would be with the predetermined view of Senators to urge the adoption of a measure which would mitigate some of the supposed evils that existed under the present system, evils which I do not admit are sufficient to warrant the adoption of a constitutional amendment.

Mr. BINGHAM. Did the Senator from Utah offer his bill as a substitute for the joint resolution?

Mr. KING. I have forgotten the parliamentary procedure. I think I offered the bill as a substitute for the resolution, although I am not sure. If I did so, no vote was taken upon the motion to substitute the bill which I presented for the resolution which was then under consideration.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Maryland?

Mr. BINGHAM. I yield.

Mr. TYDINGS. I should like to say to the Senator from Connecticut that probably one reason why a bill has not been introduced to change the time for the meeting of Congress is that under the constitutional limit as to the terms of the President, Members of the Senate, and Members of the House, it would be difficult to fix a time to better advantage than that now provided under the Constitution as it is. But if the amendment were adopted with the latitude as to sessions in the winter and the summer, a change in the time of the meeting of Congress after the beginning of the terms of the Members of the House and of the Senate would be much more feasible. The reason why it probably has not been done is that without a change in the limitation prescribing the beginning of the term on March 4 and its ending on March 4, it was difficult to arrange the time.

May I point out to the Senator that when I was a Member of the House I was a member of the committee which had jurisdiction of the measure, and we tried to frame a statute to change the time of the convening of Congress. The reason the time was not changed was that unless the session was limited to the 4th of June, assuming that it would begin on the 4th of March and end on the 4th of June, it would run into the hot weather, and there seemed to be a pretty well-founded conviction that if we considered legislation during the very hot months it would not be as satisfactory or be as conducive to the best results as if Congress were in session in the wintertime, nor would it be as possible to keep the attention of the Senate and the House on legislation under consideration. For that reason that plan was abandoned; but it has been considered by practically all of the committees recently which have had to consider this proposed amendment. It has not been introduced in the form of a bill because it was difficult to arrange the time with the terms commencing on March 4 and ending on March 4.

Mr. BINGHAM. Will the Senator tell us what position he, himself, favors?

Mr. TYDINGS. At that time I did not favor the amendment to the Constitution, although I took no position upon it, because we never had a vote on it while I was in the House. I did write a minority report, which set out the possibility of making the change by statute; but even in that report, if I remember correctly, I did not oppose the amendment. I stated that I was in favor of what the amendment sought to accomplish, but thought if we could accomplish it by a statute rather than by an amendment, we should use that means of procedure.

Mr. BINGHAM. I thank the Senator.

May I ask the Senator from Nebraska whether there has ever been before his committee a proposal to change the date for the meeting of Congress by statute?

Mr. NORRIS. Mr. President, I think there has been. Bills to that effect have been introduced several times, but, so far as I know, none has ever been reported out of the committee.

Mr. BINGHAM. Would the Senator mind telling why the committee did not report any of them?

Mr. NORRIS. I can only speak, as the Senator from Maryland has, of my own idea of it, which I think was also the idea of the committee, that they did not consider it a practical proposition. An amendment to the law to be effective would have to provide that Congress should meet on the 4th of March, or at least not earlier than that, in order to convene the new Congress in session. Some bills have been introduced providing for two different dates for the convening of the two sessions of a Congress, making the first session of a Congress convene on the 4th day of March, and the other session of the same Congress, the last session, at a different time. For instance, we could by law provide that the first session of Congress should begin on the 4th of March—that would be an unlimited session—and the next session should begin, as it does now, on the first Monday in December, and that session could run then over to the 4th of March. However, that arrangement would retain the old Congress in existence after an election for one session of Congress.

May I ask the Senator from Connecticut a question while I am answering his question, if I have answered it?

Mr. BINGHAM. Certainly.

Mr. NORRIS. When does the term of the Governor of Connecticut begin?

Mr. BINGHAM. My recollection is that it begins on the Wednesday following the first Monday in January.

Mr. NORRIS. It begins early in January, it is safe to say?

Mr. BINGHAM. As near the 1st of January as possible.

Mr. NORRIS. When does the term of the members of the legislature who are elected in November begin?

Mr. BINGHAM. On the same day.

Mr. NORRIS. That is the case in my State, except the term begins on Thursday instead of Wednesday.

Can the Senator not see an analogy between that and the Federal Congress and the President? Would the Senator be in favor in his State of having the governor take office on the 4th of March and of providing by law for the old legislature to begin its session in December after the election, although the successors to the members of that legislature had been elected?

Mr. BINGHAM. Mr. President, of course there is a very great difference between a small State of a million and a half people, with a limited amount of business which must come before the State legislature, and a government of 120,000,000 people. There is a great difference between the governor, with the limited number of appointments which he must make, and the President with thousands of appointments.

Mr. NORRIS. Does not the Senator think that that is another reason why we ought to adopt the proposed constitutional amendment? In the case of the Federal Government there is so much more business to transact than it is necessary to transact in a State such as Connecticut, does not the Senator think that we ought to get at it a little bit quicker in

order to transact it? Does the Senator see any reason why the Federal Congress should hold a session after their successors have been elected that would not apply to the Legislature of the State of Connecticut?

Mr. BINGHAM. Well, Mr. President, I have never been convinced that any harm has come from the method which we have followed for over a century. The fact that Congress has delayed meeting after the election as long as it has has never done any serious harm. Furthermore, it has given opportunity for a more careful preparation on the part of Members of Congress; it has given an opportunity also for more careful preparation for his work with Congress on the part of the President, except in cases where the President has called an extra session, and whenever, in the opinion of the President, it has been absolutely necessary for Congress to meet promptly an extra session has been called. The Senator will remember that during war times Congress was in session nearly all the time.

Mr. NORRIS. Yes; I realize that. It seems to me that is another reason why we ought to adopt some machinery similar to this amendment, if not the amendment itself, because of the magnitude of the business that the Federal Government has.

I remember that 25 or 30 years ago, when I first came to Congress, it was not deemed necessary to close your house at home. You spent more than half of your time at home. But as the public business accumulated and became greater it was necessary for Congress to be in session most of the time, and Members of Congress had to spend more of their time in Washington than they did at home. Is not that one reason why it is important that the new Congress, instead of waiting 13 months before it goes to work, should get to work as soon as possible, as your legislature does in Connecticut? Is it fair to a Member of the House of Representatives to say that more than half of his term shall have expired before he is sworn into office? Yet that is what happens.

Mr. BINGHAM. On the face of it, of course, the Senator from Nebraska is correct; but the answer to that is, in the words of Congressman TILSON, from whose speech I have just been reading, that if the situation were as bad as it seems, the Congress might have changed it a long while ago by act of Congress.

Mr. KING. Mr. President——

Mr. BINGHAM. I yield to the Senator from Utah.

Mr. KING. The Senator from Connecticut a few moments ago made inquiry as to whether a bill had been introduced dealing with this question. I stated that at one of the former sessions I had introduced a measure which I thought substantially met the points that were contemplated by the Senator from Nebraska; and, with the permission of the Senator, I should like to call attention to the bill, and what I stated at the time it was introduced.

I may say that I introduced the bill some time in March, 1924. The bill reads as follows:

That the first annual session of each Congress shall be upon the 6th day of April next following the election of such Congress; the second annual session of Congress shall be upon the 2d day of January next following; and the third annual session of the Seventieth Congress and of each alternate Congress thereafter shall be upon the 2d day of January next following the appointment of the electors of the President and the Vice President.

A few days afterwards, and when a joint resolution similar to this one was under consideration, I submitted these observations:

I offered this measure for the purpose of avoiding, if we possibly could, a constitutional amendment, as I am very much averse, in the language of the Senator from Missouri [Mr. Reed], to constantly tinkering with the Constitution of the United States. In support of this measure, and as a reason for it, I ask to be permitted to offer a few observations.

The Constitution provides that—

"Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."

The bill to appoint the days for the annual sessions of Congress fixes the date for the first annual session upon the 6th day of April next following the election of such Congress, and the date for the second annual session upon the 2d day of January next succeeding. Provision is also made for a third session on January 2, following the election of the President of the United States, this short session before the end of a presidential term being necessary in order to canvass and declare the vote of the Electoral College for the President and Vice President. This short third session will only be held by alternate Congresses.

The four months intervening between the election in November and the inauguration of the President in March is not too great a time to enable the outgoing President to clear up the work of his administration and to afford the new President time to select his Cabinet and prepare for the assumption of the duties of the presidential office. The short session of the old Congress preceding the change in administrations will also be of advantage for disposing of pending business.

But the interval of 13 months between the election and the first annual session of Congress is too great, and the bill shortens this interval to five months. This interval could be further shortened by providing for the election of Congress in January, which might also cool the judgment of the people. The new Congress assumes office on the 4th of March, and one month later, on the 6th of April, meets in regular session. This affords the new President one month for the preparation of his message and is as early a date as would be proper for the assembling of Congress.

April 6, 1789, was the day upon which the first Congress assembled in the city of New York, canvassed the vote of the Electoral College, declared that George Washington had been chosen President, and organized the Government of the United States under the Constitution. This date, April 6, instead of March 4, should have been accepted as the date for the beginning of the terms of office prescribed in the Constitution, as the Government under the Constitution, both in the de facto and dejure sense, had its beginning upon that day.

Mr. BINGHAM. I thank the Senator.

Mr. President, if I may continue, I should like to read a little further from a speech of Congressman TILSON, made on the 8th of March, 1928, when a resolution similar to the one now before us was being considered by the House. He said:

While fixing the date on which Congress shall meet is not of vital importance, changing the Constitution for this or any other purpose is a serious matter. Of the amendments adopted since the first 10—which were to all intents and purposes a part of the original Constitution—some were unnecessary, some have not worked as expected, some have worked badly, and some have not worked at all.

Doubtless I am somewhat old-fashioned in this respect, but I have a deep, sincere affection and admiration for that old document, and I hate to see it changed without the best of reasons. Our experience in changing this precious instrument has not been such as to encourage further experiment along this line, except for reasons clear and compelling. I do not believe that the reasons given for the proposed change are sufficient or convincing, but, on the contrary, that when analyzed they become untenable.

What are the alleged reasons for adding the proposed amendment to the Constitution? The one argument upon which the demand for a change in the meeting date of Congress is based is that the time is too long between the election and the meeting of the new Congress. Looked at superficially, this is a plausible argument, especially when made to appear that 13 months must elapse after the election before the newly elected Member actually takes his seat; but even this formidable charge can be met and readily answered. In the first place, this charge is not true as I have stated it and as it is usually stated. Under our present Constitution only four months must elapse before the new Member may take his seat. Any longer time than four months is only because Congress, in its wisdom, has not seen fit to fix March 4 as the date for the new Congress to meet. Then we are called upon to pass a constitutional amendment in order to have Congress meet 60 days earlier than it could otherwise. And even then, in the case of a new President, he will not come in for 20 days longer, so that in reality the new Congress will gain only 40 days by meeting January 4 instead of March 4.

But we are told in all seriousness that it will never do for the new Congress to meet as late as March 4, which can be done by a simple resolution, because that would mean running into midsummer, and it is hot in Washington during June and July. Shades of our illustrious predecessors! Shall we amend the Constitution of our country in order to avoid a few days of personal discomfort?

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BINGHAM. I should like to finish Mr. TILSON's speech.

Mr. NORRIS. I want to interrupt Mr. TILSON's speech. He is speaking now, and I want to ask his representative here a question about it.

It is not true, as alleged there, that we want to avoid the hot weather; but it is true that Senators and Representatives who want to change the meeting date to March or April are running us into the hot weather.

The Senator from Utah [Mr. KING] with his bill, and the Senator from Connecticut in advocating that it ought to be done by an amendment of the law rather than an amendment to the Constitution, are the people who are insisting that we should run into the hot weather. They are admitting, I think, that too long a time elapses between the election and the actual swearing into office; and when they admit that it seems to me that they have admitted themselves out of court. They have

admitted, then, taking the present conditions, that the Members of the old Congress are going to legislate after their successors have been elected—a condition that does not exist in any State of this Union or anywhere else in the civilized world; not even in the State of the Senator from Connecticut or the Senator from Utah. Neither one of them would go into his State and advocate such a condition, and yet they are defending such a condition in the Federal Government.

Mr. BINGHAM. Yes, Mr. President; and we are defending it because, although it does not exist in any other country "in the civilized world," it has existed for over 120 years in the country that we believe is the most prosperous and the leading country in the world to-day.

Mr. NORRIS. Does the Senator believe that between the election of any official and his going into office 13 months ought to expire, in order to give him a cooling-off season?

Mr. BINGHAM. It seems to me that the burden of proof lies on the Senator from Nebraska and not on me to show wherein the United States has suffered from the practice which now prevails.

Mr. NORRIS. That has been shown over and over again. I can show it again; but I ought to satisfy the Senator from Connecticut by stating that his own State does not follow such a foolish practice as that, and he has never advocated a change in his own State. If he loves it so well, he ought to be in Connecticut telling his constituents, "You ought to elect your governor and your legislature in November, and not permit your governor to take office or your legislature to be sworn in until a year from the following December."

Mr. BINGHAM. I know that my good friends the people of Connecticut will feel very highly honored to have the Senator from Nebraska place them in the same position as the people of the United States as a whole; and I am sure that the governor will feel highly honored to know that the Senator from Nebraska regards him as being the equal of the President, and therefore that their terms of office should be identical, and that what is good for one is good for the other.

Mr. NORRIS. I am glad. I am also glad to bear testimony to the people of Connecticut that they ought to insist that the Federal Government should do the same with its officials as they insist on doing in Connecticut.

Mr. BINGHAM. Mr. President, so far as I know the majority of the people of Connecticut never have been in favor of this amendment.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BINGHAM. I yield.

Mr. KING. The Senator from Nebraska ascribed to me a desire to have Congress sitting during the hot weather. May I say that, having been in the Senate for 12 years and having participated in many hot-weather sessions, I am not very much averse to them. Speaking for myself, I rather like warm weather in preference to cold. But, speaking now seriously, under the scheme which I have suggested—and it is not novel by any means—Congress has the power by legislation to determine when it shall meet. It may provide for the convening of Congress on the 1st day of April—April fool's day—and it would then have April, May, and June for legislation, without projecting it into the hot-weather period; and, if necessary, of course it could sit during July.

There is no necessity of our waiting until December. Congress has the power now, without amending the Constitution of the United States, without tinkering with it, to advance the meeting of Congress after the election in November until the 1st day of April. I think meeting on the 1st day of April, as we would have the authority to do by congressional enactment, we could obviate some of the evils of which my learned and dear friend complains, and would satisfy substantially, I think, the needs of the people, even with the progressive views which my friend possesses and with which I have so much sympathy.

Mr. NORRIS. Mr. President, may I interrupt the Senator again?

Mr. BINGHAM. Certainly.

Mr. NORRIS. Let me say, in the same spirit in which the Senator from Utah expressed himself about the hot weather. He says he has been here during the hot weather so often, and seems to like it. That explains to me clearly why the Senator is not more religious than he is. It makes plain also why, since I have been through several of those experiences myself, I am more religious than I used to be before I came to Congress.

Mr. KING. Mr. President——

Mr. NORRIS. I want to avoid that kind of dilemma, especially if it goes through eternity.

Mr. KING. Mr. President will the Senator yield to me?

Mr. NORRIS. I was not quite through.

Mr. KING. I just want to say, the Senator from Nebraska being such a profound theologian and being so wonderfully religious, I shall be very glad if he will advise me and the other Senators how we may obtain some of that fine fervor which he possesses, instead of going down to Bishop Sims, as I have so often done.

Mr. NORRIS. It depends on how far the Senator has advanced in his religious ideas. He may have reached such a stage of education along religious lines that it is proper for him to go to Bishop Sims, and he may have gone beyond Bishop Sims's theological views, and would have to have a different kind of instructor to get any benefit. But, Mr. President, it is a serious matter to legislate in Washington, or any other place, during the hot season. No matter what we may think about it, that is not the time when we do good work. That is the time when Members of Congress may die if they insist on working. That is the time when we send men to the hospital. That is the time when we have to attend senatorial funerals on account of hot weather. A man can not do good work, especially mental work, when the weather becomes unbearable, as it does in this city. It is only a fair sample of what is going on all over the United States.

All our States are providing and have provided for the meeting of their legislatures in January, early in January, soon after election. The men who are elected in December take office in January. The men who are elected to transact the business of the Nation wait 13 months before they are sworn into office, and Members of the House, before that time arrives, are in the midst of a campaign for renomination, another reason why they can not do good work. They are not able to go before their own constituencies and say, "Here is my record, and upon that record I stand." They have not made any record. They are in the midst of a campaign for renomination before they have even been sworn into office. In the meantime men who have been defeated, perhaps, are legislating.

If it should come to a time when the House of Representatives was to elect a President of the United States because of the failure of an election by the Electoral College, under the present conditions the President would be elected in part by men who had been defeated for reelection. A new Congress will be elected during the campaign in which the presidential candidates are seeking the votes of the people, but if the Electoral College should fail to elect a President, it would not be the new Congress that would elect the President, it would be the old one, some of the Members of which had been defeated for reelection, possibly half of them, on the issues in the campaign. The President they would elect would go into office for four years, notwithstanding the fact that in the campaign fought out before the people it might be that the theories of government represented by the man elected would be rejected by the people of the country.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Michigan?

Mr. BINGHAM. I will be glad to yield in just a moment; but before I yield I would like to make this observation: That the matter to which the Senator from Nebraska has just referred, namely, the matter of the necessity of having the Representatives elect a President following an election of the sort implied, would be quite likely to bring into being a House of Representatives unable promptly to elect a Speaker. If my recollection serves me, there have been occasions when the House went for a considerable number of weeks before they were able to organize, and if the amendment proposed by the Senator from Nebraska should become a part of the Constitution, and the House of Representatives should meet on the second day of January after the election, and the term of the President should end 13 days later, on the 15th day of January, and the House of Representatives should have been unable to organize in that time, then it would be impossible to elect a President, and yet the term of the retiring President would have expired.

I yield now to the Senator from Michigan.

Mr. NORRIS. Will not the Senator from Michigan permit me first to refer to the particular point the Senator has made?

Mr. VANDENBERG. Certainly.

Mr. NORRIS. In the meantime the election of a Vice President would have been thrown into the Senate, and if the House failed to elect the President and the Senate elected a Vice President, that Vice President would become President, just the same as the Vice President would now in case of the death or disability of the President.

Mr. BINGHAM. Yes, Mr. President; but if my recollection serves me, the Senate of the United States took some weeks to organize only a very few years ago.

Mr. NORRIS. No; the Senate of the United States never failed to organize, as far as the Senate was concerned, sufficiently to vote on the question of the election of a Vice President, if there had been any necessity for that. No such instance has ever occurred, and the Senator must remember that under the Constitution, in the case he puts, where the House has failed to elect, the Constitution provides that the Vice President shall be elected from the two highest on the list, and that the Senate shall elect him. The Constitution itself provides for a Presiding Officer of the Senate, the Vice President of the United States. It is not necessary for the Senate to elect a President pro tempore. He is not a constitutional officer. They could go on and elect a Vice President, and it would be practically an impossibility for them to be tied up, because they have to select a Vice President from the two highest on the list. The only time when there would be any difficulty about that would be when there was an absolute tie in the vote.

Mr. BINGHAM. I yield to the Senator from Michigan.

Mr. VANDENBERG. The Senator has indicated that he has found no period of menace involved in this presidential interlude between elections in November and inaugurations in March. I wanted to remind him that the chief initial crisis in the Civil War occurred between the election of Lincoln in 1860 and his inauguration in 1861. The Confederacy was formed on February 4 and elected its President on February 9. He was inaugurated on February 18. I am wondering whether the Senator does not feel that the Nation's situation thus was tragically complicated, and that results might have been more safely handled if the strong hand which was to succeed to the Presidency a few weeks later had been actually in control of the ship of state, as would have been the situation under the amendment urged by the Senator from Nebraska. Was not that interlude and that state of flux in the Government desperately hazardous at that critical moment? Was not that a period of poisonous menace?

Mr. BINGHAM. Mr. President, the amendment offered by the Senator from Nebraska would not do away with an interlude. There would be an interlude between the election the first week in November and the inauguration of the President in the middle of January. There would be an interlude of two months and more. Of course, what the Senator from Nebraska and those who think with him have in mind is something like the British system, the working of which we have just seen within the last few days, where, an election having taken place, and it being evident that the party in control of the Government had lost its majority, the Premier immediately resigned, and the King called into office a new Premier, and a new cabinet is formed, and within a very few days the new Government goes into effect. That may have its justification, but that is not even what is proposed here.

Mr. VANDENBERG. The proposal here at least is to reduce the span of the interlude, and the Senator has been indicating that there is no danger in that interlude.

I will ask him, bringing the matter down a little closer to date, to contemplate another situation. If, for the sake of the argument, President Wilson had failed of reelection in 1916, and there had been a new administration pending in 1917, would not the fact that we found it necessary to break off our diplomatic relations with Germany on February 3, 1917, which was right in the middle of the interlude, have precipitated an extremely delicate and serious situation which would have caused complications that we would have given almost anything to avoid? Would it not have been supremely embarrassing for an outgoing President to have handled the challenge in Germany's unrestricted submarine warfare which began on February 1?

Mr. BINGHAM. Not any more so than if the complications had arisen on the 1st of December.

Mr. VANDENBERG. But they did not; they happened to arise in both instances within the static period that would be cured by the proposed amendment to the Constitution.

Mr. BINGHAM. But they would be just as likely in the future to arise within a week or 10 days after the election.

Mr. VANDENBERG. Then the Senator's answer is that because we can not cure the whole thing it is not wise to cure any of the trouble.

Mr. BINGHAM. My answer is that there is no serious danger in the present situation; that we have functioned under this arrangement for 122 years and have prospered; and although on the face of it the arguments appear to lie with the Senator from Nebraska, it seems to me that actually the very fact that nothing serious has occurred, and that we have enjoyed the benefits of the arrangement proposed by the fathers and never changed by the Congress, show the wisdom of the present arrangement.

Mr. VANDENBERG. Will the Senator from Connecticut permit me one more exhibit?

Mr. BINGHAM. I should like to finish reading Mr. TILSON's speech, but I do not think he has any objection to being interrupted further.

Mr. VANDENBERG. My recollection is that the Mexican crisis broke in 1913 in precisely the same interlude, and, unless my memory plays me false, President Taft specifically stated to the country that he felt it would be unfair to his successor to deal affirmatively and aggressively with the difficulty then involved because of the fact that he was on the final lap of his term and was not entitled to bind his successor, whereas if he had been free to act with affirmative effect, that situation might not have been permitted to drift into the difficulty which subsequently occurred. Does not the Senator think there is some possibility of advantage in that direction, at least through a reduction in the span of this interlude, and thus a reduction in the period of jeopardy?

Mr. BINGHAM. Again the Senator proposes something which might just as well have happened in the early weeks of November.

Mr. VANDENBERG. Except that it did not.

Mr. BINGHAM. The only solution which would suit the Senator would be the English system, so that as soon as an election was held the new government would take office. But that has not been our plan, and we have not actually suffered from what the fathers laid down.

Mr. BRATTON. Mr. President, will the Senator yield for one further question?

Mr. BINGHAM. I yield.

Mr. BRATTON. Do I understand the Senator to take the position that he wants to wait until some disaster of that kind does occur before he will give his consent to a new system which might obviate it?

Mr. BINGHAM. Mr. President, I think the advantages of the present system far outweigh the possibilities of disaster which the Senator from New Mexico so gloomily contemplates.

Mr. BRATTON. I should like to hear the Senator portray them.

Mr. BINGHAM. Mr. President, I will continue to read from the speech of Mr. TILSON in the House of Representatives on the 8th of March, 1928:

> The practice in foreign countries of early assembling is cited, but there is no real similarity, and any argument based on such an analogy is not well grounded but is altogether misleading. In other countries governments fall and cease to function, carrying in their fall both executive and legislative authority, which are not separated, so that a new government must be formed to carry on. There is no such thing in our system of government. Our executive and legislative powers are distinct and our terms of office are fixed by law or the Constitution. And, on the whole, has not the plan worked reasonably well, even as compared with foreign countries?
>
> But it is not necessary to amend the Constitution in order to have an early meeting of the new Congress, and if it be believed that this is what is needed and what the people are demanding, let it be done by an act of Congress. As it stands to-day, Congress can fix any date of meeting it may deem best; and if it should turn out that the day fixed is not the best date, it can be changed and go back to the old date that has served satisfactorily throughout our history. But once fix the date by the Constitution, and it must stand whether satisfactory or not, whether it work well or ill.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. BINGHAM. I yield.

Mr. WATSON. Would the Senator agree to fix a time to vote?

Mr. BINGHAM. I should prefer not to do so at this time.

Mr. WATSON. The Senator could not be persuaded to do that?

Mr. BINGHAM. I will remind the Senator, my distinguished leader of whom I am very fond, that this matter was brought up in my absence by unanimous consent, and if anyone should call for the regular order it must give way to the regular business.

Mr. TILSON continued:

> Let us consider for a moment whether any real harm comes from postponing the date of convening the new Congress even the full limit of 13 months. We are now under a Budget system and it is working well. During the summer and autumn the President, through the heads of executive departments and the Director of the Budget, prepares the estimates of the several departments and makes up the Budget. It is sent to Congress the first week in December. As at present, the old Congress is organized and before January 4 is well under way in the consideration of the supply bills. The Cabinet heads, who under the

outgoing President have submitted their estimates, now come before the committees of Congress and explain each the portion of the Budget which relates to his department. Before March 4, if Congress attends to business, all the supply bills and other necessary legislation is passed, and the old Congress and the old President, with his Cabinet heads and their assistants, all go out together. The new President comes in on March 4 with a new Cabinet and assistants and begins at once to prepare for the new estimates and the new Budget to be submitted in the autumn.

Meanwhile, the new Congress on and after March 4 stands ready to meet in case of need to pass emergency or any other legislation deemed necessary for the public interest. Time after time the new Congress has been called together early for one reason or another, and there is no danger that the public interest will ever suffer for want of a Congress ready to serve.

Let us see what would be the situation under the proposed amendment. The old President and his Cabinet must make up the Budget as before, but can not submit it before January 4. It is then submitted to a new Congress, not thoroughly organized and without committees. Meanwhile the "lame-duck" President holds on for 20 days. Whether he delivers a message on the state of the Union to the new assemblage, now cleansed of its "lame-duck" contamination, is not specified in the resolution.

Having organized—if no deadlock interferes—and counted the electoral vote, if there is time, the now pure congressional aggregation, out of deference to the new President soon to come in, will probably twiddle their thumbs until January 24 arrives. And now work must begin—on the supply bills, at any rate. A new Cabinet will have taken the place of the old and without time to learn anything whatever about their several departments, with no knowledge whatever of the estimates or the Budget, they must appear before the committees of Congress to explain and defend the provisions of their several bills. The new President must take on faith the Budget of his "lame-duck" predecessor, for surely he is not in position to make up one of his own; and so throughout the first year of his term, the most important year of all for him, the benefits of the Budget system may be nullified, so far as he is concerned. Can you imagine anything worse than such a situation? And yet I have not in the least overdrawn what must inevitably happen in case this amendment should be ratified.

Right here I should like to interrupt the speech of Mr. TILSON to remind the Senate of the fact that he speaks as one having had very long experience in Congress and as one who has been the majority leader in the House, now in his third term as such, he speaks with authority.

Continuing to quote from his speech—

Can we afford to take such a step which, once taken, can not be retraced? It matters nothing to me personally. It matters little to any of us older Members, whose time here after this amendment is in effect at most will not be long; but it does matter very much to the people of the country through all the years to come and to those who follow us here in giving service to the country. I have one boy of my own, dearer to me than my own life, as every father will understand. He is only a schoolboy now, but in the dreams of a fond father touching his son I have seen him standing here in my place, giving himself to the service of his country as his father has faithfully tried to do. I would not for this right arm do anything by my vote that would make his path more difficult or render his service and that of the others who will then stand where we now stand less effective or useful.

I can not vote for this resolution. Neither can I allow it to pass without giving voice to my opposition and utterance to my conviction that its adoption will be an unfortunate mistake which those responsible for it should never cease to regret. And remember, when we give our vote for it and send it on its way all the harm of which it is capable throughout the years to come will have been done, so far as we are concerned.

Mr. President, I send to the desk a letter from a distinguished attorney of the city of Washington, Mr. Phil P. Campbell, addressed to the Speaker of the House of Representatives, which was written in regard to the resolution which passed the Senate in the last session and which was similar to the one now before us. Because it puts in very convincing language the argument against the resolution, I ask that the clerk may read the letter.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

Re House Concurrent Resolution No. 18, proposing change in date of convening of Congress and inauguration of President.

MY DEAR MR. SPEAKER: This resolution tinkers with our governmental structure at its most vital part. The Constitution provides for a representative government by sober second thought. The proposed amendment would give us government by first impression. It approaches a democratization of the Republic—a dangerous adventure. As a republic we may endure; as a democracy we could not. If even our smallest political subdivision, the school district, should attempt to operate as a democracy, it would result in discord and failure, with less and less chance of success as political subdivisions enlarge. Congress, with ample opportunity for its Members to think, after their election, before they are called into action, has grown for 140 years in the confidence of our own people and in the estimation of the world. The State legislatures, whose members go into action before they have had an opportunity to think of their duties as lawmakers, or of the kind of laws that would be beneficial to the people (as the resolution proposes Congress shall do), are gradually losing their once proud place in our political system.

There are many reasons why this resolution should not be agreed to. The strongest reason against it is the principal reason urged for it. It is urged that Members of Congress sometimes fail to secure the enactment of legislation in which they are interested as a result of filibuster in the closing hours of the short session, a session in which some Members take part who are not to be Members in the next Congress. More serious complaints should be established against the short session than flippantly calling it a "lame-duck" session, or that it has within recent years made it possible for a Vice President to save himself from the obscurity that usually falls to the lot of the occupant of that office, by raising an issue against filibuster. The record of the short session of Congress throughout our history fully vindicates it. Many of our most salutary laws have been enacted during the short session. And it may well be that the defeat of one law may be as great a service to the country as the enactment of another law. Advocates of the resolution indeed would have difficulty in pointing to serious injury to the country from failure of the enactment of laws. The personal disappointment of the author of a bill that fails is not generally shared by the people. Anyhow, it should not be necessary to have a constitutional amendment, changing many provisions of the present Constitution and a score of legislative enactments in order to prevent filibuster in one of the coordinate branches of Congress.

It is stated in support of the resolution that State legislatures meet soon after the election of their members. Attention should be called in this connection to the many ill-considered laws that are enacted in large numbers growing out of temporary conditions, conditions that often adjust themselves before the laws are printed. It is entirely safe to say that it would greatly improve the nature and wisdom of our State laws if the members of the legislature were required to wait a year before going into action, thus giving time for temporary conditions to adjust themselves, and for the members to think of themselves as lawmakers rather than as partisan politicians in a campaign for election. It would result in fewer and better laws and the States would hold their place of honor and responsibility in our political system.

It is also urged that Congress should meet as soon as possible after election in imitation of the parliamentary governments of Europe. These parliamentary governments differ from the constitutional government of the United States. They go to the country when the party in power fails to get a majority vote on a major question. But even so, as in the case of the State legislatures parliamentary government in Europe in many countries is a sad disappointment. In a notable instance—I refer to France—the many failures of the parliamentary government were so grievous that chaos and national calamity were averted only by the national assembly yielding its functions to a premier with the powers of a dictator. In two other countries, Spain and Italy, parliamentary government so completely failed as to make it possible for dictators to walk in and seize power. All this is current history.

In this connection, also, it is well to recall that the convening of Congress soon after election, as often happens when a new President calls Congress in extra session and submits suggestions for legislation growing out of conditions incident to the campaign for his election, that the Congress enacting such laws as he suggests is defeated at the next ensuing election. The people on second thought repudiate what may well be called campaign legislation.

It has been asserted in support of the resolution that war would have been averted in the sixties if President Lincoln would have been inaugurated in January instead of March. Such speculation does injustice to the seriousness with which the people of the Southern States considered the questions involved in the assertion of their rights at that time. Indeed, it is more reasonable to speculate that war would have occurred in February instead of in April if President Lincoln had been inaugurated in January instead of in March. But it is not at all improbable that war would have ensued if there had been an attempt to inaugurate a President of the United States in January, 1877, as a result of the Hayes-Tilden election in 1876. The time between the date of the election and the following 4th of March enabled Congress by extra constitutional means to avert a national calamity. Again, in the case of Jefferson and Burr, there was a controversy that threatened the dissolution of the Government. It has been said that the country escaped from civil war only by the cooling-off process that the lapse of time brought about in Congress. If the inauguration of a President had been attempted in January instead of in March, it is morally cer-

tain that war could not have been averted and that the young Republic would have gone upon the rocks.

The one great purpose and the ill effect of the proposed amendment is to speed the politician in hot haste from the political forum to the legislative chamber to enact more laws. The need of the country is not more laws, but less. The facilities for enacting laws are now so ample that our books are filled with them, so that no man can number them, much less understand them or meet their requirements.

The demand for this resolution is in response to an insistence by a persistent minority that began some years ago to insist upon the constitutional amendments and the enactment of laws for the regulation and control of every activity of mankind. Since then many constitutional amendments have been agreed to, volumes of laws have been enacted by municipalities, State legislatures, and the Federal Government in response to the noisy demands of this minority. One of the serious results is the expenses of State governments have increased from 150 to 1,665 per cent, and the expenses of the Federal Government have enormously increased. Rapidly increasing from year to year the expense of the Government to the people of the United States last year—1927—was over ten and a half billions of dollars. The proposed amendment to the Constitution would facilitate the enactment of additional legislation of the same kind, that would result in vexing the people and in enormously increasing their already too heavy burdens of taxation.

The dangers to the country in the proposed amendment are so great that if it is agreed to, another amendment to the Constitution becomes all-important. As a partial security to the people, if this amendment is submitted, another should be submitted along with it providing that no law of a general character that directly or indirectly effects the purse or the normal life of the people shall become effective until it has been submitted to and ratified by the people at the next ensuing election. Such a provision would help to save the people from the hasty enactment of laws immediately following political campaigns.

If the resolution is acted upon it should be so considered as to allow ample time for mature deliberation and debate. The subject matter of the resolution is of greater importance than any question of legislation.

Very truly yours,

PHIL P. CAMPBELL.

Mr. BINGHAM. Mr. President, I should like to call the attention of the Senate to a very able speech delivered in the House of Representatives by the Representative from the fourth district of Connecticut, Mr. MERRITT, with regard to a similar joint resolution to the one now before us, which was before the House at the last session of Congress. Mr. MERRITT said:

Mr. Chairman, during the past 10 years the attention of the country, so far as the Constitution is concerned——

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BINGHAM. The Senator from Nebraska is very fond of interrupting Members of the House when they are having their remarks read, but I have no objection to yielding, Mr. President.

Mr. NORRIS. If the Senator is not engaged in a filibuster, will he not permit the remarks which he is about to read to be printed in the RECORD for the second time; they are already in the RECORD? If he is simply carrying on a legitimate debate, does he insist on reading the entire CONGRESSIONAL RECORD?

Mr. BINGHAM. Mr. President, I am not engaged in a filibuster, and I should like to make some comments on the address of Mr. MERRITT as I go along.

Mr. MERRITT said:

Mr. Chairman, during the past 10 years the attention of the country, so far as the Constitution is concerned, has been so much taken up with the eighteenth amendment, commonly known as the prohibition amendment, and the nineteenth, known as the woman suffrage amendment, that little attention has been paid to the far-reaching effect of the seventeenth amendment, which provided for the election of Senators by popular vote. This amendment, with the very general adoption throughout the country of the direct primaries for nominations, marked, in my opinion, the most far-reaching departure from the basic ideas on which the Constitution was founded which has occurred in the history of the Nation.

I am not bold enough, and it is not necessary before this House, which contains so many eminent constitutional lawyers and students, to discuss in detail the story of the Constitution. But all will agree that what the founders intended to produce was a representative Republic and not a strict democracy. The arguments which were used to change the method of election of Senators and change the method of nominations were that the changes would give the people more direct voice in the election of their representatives, and also that it would do away with the influence of individuals and corporations of great wealth in the choice of Senators and Representatives.

I think it will be conceded that whether or not these changes have made the action of the people more direct, the result has not been any substantial improvement, but perhaps rather the reverse, in the average character of the Members of the other body. Certainly the seventeenth amendment has not removed either the influence of individuals and corporations of great wealth, but rather has made it impossible for men without great wealth of their own or who are not backed by great wealth to conduct a primary campaign in any of the large States.

Most, if not all, the scandals which have occupied the attention of the country in connection with the election of Senators in the past few years have been connected with direct primaries.

I mention these facts for the purpose of illustrating the danger of changes which alter or tend to alter the frame of our Government, which was founded by men of great wisdom and who were profound students of the history of government throughout the world. Assuming, as I think we safely can assume, that human nature has not fundamentally changed, we can not safely ignore the teachings of history.

A reading of the Constitution and the debates of the Constitutional Convention will show that the founders were anxious to provide proper checks and balances not only to preserve the rights of individuals against the action of government and the rights of sovereign States, but also the rights of minorities against oppression by majorities.

They also intended to guard against hasty legislation and to provide for due consideration of measures before they should be passed. The result of their labors was to produce a Constitution which has been the admiration of the world, and under which this country has grown from a union of weak and straggling colonies along the Atlantic seaboard into a nation of continental extent and with more than a hundred millions of people. It has provided a stable local government by sovereign States and an efficient central government by an indestructible union of those States.

At that point I should like to call attention to the fact to which Representative MERRITT refers—that one of the great merits of the present system is that it prevents hasty legislation and affords an opportunity for due consideration of measures before they shall be passed. It often happens in the history of countries operating under the parliamentary system, where the voters are wrought to a great pitch of excitement by the election, that the results of that election are immediately translated into statutes, frequently to the great disadvantage to the country, whereas, with us the very fact that a long period of time intervenes between the election and the normal meeting of the Congress gives opportunity for cool consideration and mature thought and prevents the enactment of hasty and ill-considered legislation.

I continue reading from Mr. MERRITT's speech:

What I am contending for is that with this history of 150 years, and knowing the dangers and the troubles which have come from several of the amendments which have already been made in the Constitution, the least that can be said to-day is that those who propose changes in the Constitution should, in the first place, be able to show actual evils and actual harm which have come to the Nation by reason of existing provisions and prove also that their suggested change would not only cure evils they allege but not produce other evils in their place which may be even greater.

So far as I have seen, the arguments on which this proposed amendment is based are, first, that a new Congress should meet almost immediately after its election to carry out any supposed mandates of the people; and, second, that evils may occur in the present short session from so-called lame ducks. As to the first argument, if there is any mandate from the people which should be promptly carried out, history has shown that in case of a great emergency, like the World War, party lines are obliterated and any Congress will, as a matter of course, carry out the policy of the ruling administration and the mandates of the people.

(At this point Mr. BINGHAM was interrupted by Mr. MCKELLAR, who raised a point of order.)

Mr. BINGHAM subsequently said: Mr. President, I ask unanimous consent that the remainder of the remarks of Representative MERRITT be printed in the RECORD in the place in my speech when I was interrupted by the Senator from Tennessee.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter is as follows:

But supposing that, even in time of peace, there should be a very distinct overturn in the membership of Congress, and supposing that the then existing Congress, under present arrangements, should not be willing to vote in accordance with the results of the election, the greatest necessary delay under existing conditions would only be 60 days, because the President could call an extra session, as was done several times during the war, to meet on the very day after the Congress in office had ended. And it is inconceivable that a delay of 60 days, except in case of war, when it could not possibly occur, would be

of any importance to a great nation. It should be pointed out here that, as a matter of history, overturns in Congress have usually occurred in the midst of a presidential term, there having been many instances where the majority of Congress and the President did not agree. This was anticipated by those who founded the Constitution and was intended as a matter of conservatism so that the policies of the country should not be rudely and frequently overturned, as they appreciated might be the case if we followed the continental system of making the Executive dependent on the legislature.

As to the second objection, about the danger from the presence in Congress of lame ducks, I am not aware of any serious or lasting injury which has ever happened to the Nation because of them.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. CELLER. Is the gentleman aware that three presidential elections in the House of Representatives were determined by lame ducks? I refer to the election contests between Burr and Jefferson, and John Quincy Adams and Jackson, and Tilden and Hayes. Does the gentleman think that was a fair proposition, to let lame ducks participate in that election in the House?

Mr. MERRITT. I said I was not aware of any lasting or serious injury that would happen, or that had happened.

Mr. CELLER. Was not that lasting and serious?

Mr. MERRITT. It was not. It appears to me that in ordinary times it is an advantage to the country that the newly elected Congress should not meet for several months after it has been elected. With modern methods of communication, favoring, as they do, all kinds of propaganda, it is easy to stir up popular movements which, on further consideration, may prove to have no just basis. It is much better, after the excitements of an election are over, to have time for careful consideration of matters which have been agitating the public mind. There is not the slightest fear that general public opinion which persists will not be duly embodied in the law.

There are a number of instances where hasty legislation has caused great confusion and, I believe, harm to the Nation. But, as I have said before, I am not aware of any case where delay in legislation has caused any lasting injury.

With the changes to which I have referred, which have been in the direction of strict democracy and direct action by the people, the necessity for reasonable delay and reasonable consideration of important measures has greatly increased.

Where a man has been through an intense campaign, first in the primary for the nomination and then for an election in a congressional district and, still more, throughout a whole State, his attention and energies have naturally been centered on winning votes for himself. Under these circumstances there is a great temptation to advocate measures and to make promises which will attract the greatest number of votes, and these measures under such conditions will be framed not primarily because of their wisdom or not because they appeal to the judgment of the candidate himself but, on the other hand, they will be such as lend themselves to some popular slogan and which appeal to the masses.

After an election of this sort not only do the people themselves need some time to consider the questions more calmly but a successful candidate will after a few months be better qualified to form a cool and unprejudiced judgment if he has to consider the matters which he so glibly supported during the heat of an election when the catching of votes was the great consideration.

It is certain that history has not shown that referendum votes are governed by the calmness or reason which should govern a Representative in the consideration of his vote which directly affects the law. And therefore, as I have said, after the excitement of a great popular contest and election the country and Members of Congress would be better for a considerable delay before beginning their actual work of lawmaking.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. GIFFORD. As a matter of opinion, does not the gentleman agree that the other things contemplated in the proposed amendment ought to be remedied and remedied now?

Mr. MERRITT. I will speak of that later. Let me repeat my last sentence.

So far as I have been able to observe, there has not been in the country at large any strong opinion or decided movement for the change in the Constitution which is now under consideration. It seems to have been based on purely theoretical grounds which has no basis in history or in fact; that is to say, no evils have been shown, and the country has suffered no harm from the present practice, and therefore there is no cause for any change. The movement has been pushed by a persistent and active minority, who base their argument on suggested evils that may occur, and it has been acquiesced in to some extent by those who think that it probably will do no harm.

Mr. LOZIER. Will the gentleman yield?

Mr. MERRITT. I yield.

Mr. LOZIER. Do I understand the gentleman's position to be that the American people, after they have considered and voted upon a proposition, have no right to have their will written into law under our system of government, and that a Congress which has been rejected shall serve as a wet nurse for the American people for a period of 13 months? Is that the position of the gentleman?

Mr. MERRITT. The old Congress goes out in three months.

Mr. LOZIER. But under the present system the American people have no absolute right to have a session of Congress reflect their will for 13 months after the election?

Mr. MERRITT. They have under the Constitution, if the President thinks best.

Mr. MOORE of Virginia. May I interrupt the gentleman for a moment?

Mr. MERRITT. Yes.

Mr. MOORE of Virginia. If Congress wishes to do it, Congress can provide for a new Congress to come in on the 4th of March?

Mr. MERRITT. They can.

Mr. MOORE of Virginia. Which will only mean a difference in time, as provided in the proposed amendment, between a date in January and the 4th of March.

Mr. MERRITT. Yes; less than 60 days.

Mr. LOZIER. And will it not save the damage that a Congress can do that has been rejected by the American people?

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. LEAVITT. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. LEAVITT. Is it not provided in the present Constitution that in case of a national necessity the President may call Congress in session on the 4th of March?

Mr. MERRITT. It is.

Mr. MONTAGUE. Would it interrupt the gentleman if I suggested that since the Sixty-fifth Congress the average turnover has been 12 per cent of the Members of the House?

Mr. MERRITT. That is true.

Mr. MONTAGUE. And of that turnover fully 70 per cent has been by voluntary retirement?

Mr. MERRITT. That is true.

But no change in the Constitution should be undertaken on any such grounds; that is, on the theory and on the ground that no harm may result, because history has shown that changes have produced evils which have not been anticipated and that therefore any additional changes should be based only upon the proof of positive present evils and upon sound reasons for hoping for future benefit. In this case, in my opinion, the reasons both from history and from theory are against the adoption of sections 1 and 2 of the joint resolution.

There may be some reason for the adoption of sections 3 and 4, although the country has thus far suffered no harm from the absence of these sections, but conceivably there might be confusion under certain conditions set forth. But they form no necessary or inferential reasons why sections 1 and 2 should be adopted.

I hope therefore, Mr. Chairman, that the joint resolution, and especially sections 1, 2, and 5 thereof, may be not adopted. [Applause.]

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BINGHAM. I yield for a question, Mr. President.

Mr. McKELLAR. I desire to make a point of order. I do not suppose that it is necessary for the Senator from Connecticut to yield for that purpose. I presume I have a right to make a point of order and that is what I desire to do.

Mr. BINGHAM. I presume that a point of order may be made at any time.

The PRESIDING OFFICER. The Senator from Tennessee will state his point of order.

Mr. McKELLAR. It is that under Rule XI—

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

I desire to object to the reading of the speech; and I call the Presiding Officer's attention to page 263 of the rules, which is a part of Jefferson's Manual, as follows:

For the same reason, a Member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

A Member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time, and therefore is not refused but where that is intended.

I do not mean to say that what the Senator is doing is a gross abuse, but it certainly is an effort to consume time. After a Congressman has prepared a speech and put it into the RECORD, or where he has delivered it on the floor of the House and it has been taken down and printed in the RECORD, and every Senator has had an opportunity to read it, and where there is no point in the world in reading a speech except to take time, it

seems to me that if that rule is ever applicable it surely is applicable now. So I object to the reading of the Congressman's speech, and make the point of order that under the rules it is not in order.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). In the opinion of the present occupant of the chair, Rule XI applies to the reading of papers from the desk by the Secretary or clerk. It has been held again and again that Jefferson's Manual is not a part of the Rules of the Senate, and it has been held again and again that Senators may read from papers in connection with their arguments on the floor; therefore the present occupant of the chair holds that the point of order is not well taken.

Mr. BINGHAM. Mr. President, I have always understood that the opinion held by the present occupant of the chair was the opinion generally held by the Senate. I am reading this speech of Mr. MERRITT's for more than one reason. In the first place, it was delivered in the last Congress and quite a number of the Members of the present Senate probably neither heard it nor read it. In the second place, a great many Members of the Senate do not have time to read that which occurs in the House. This was the first speech in a long time to be delivered against the amendment; and being made by a gentleman of the standing of Congressman MERRITT, and putting the arguments in a way which appealed to me, it seemed to me eminently fitting for the Senate to hear it at this time, and particularly for the newer Members of the Senate to have a chance to read his remarks. And in view of the fact that my very good friend the Senator from Tennessee has implied that I am doing this merely to take up time, and not for the proper information of the Senate or for the purpose of influencing the Senate in legislation of a very important nature now before it, may I say that this resolution was brought up very suddenly, and I did not have the opportunity to prepare myself as I should have liked to do. I supposed that it would come up normally some day in the morning hour following an adjournment, and in that case I should have had time the better to prepare my remarks. It was brought up to-day unexpectedly, however, during my temporary absence from the floor under unanimous consent. Accordingly, Mr. President, I call for the regular order, and then I shall yield the floor.

The PRESIDING OFFICER. The regular order having been demanded, the Chair lays before the Senate the unfinished business, Senate Resolution 37.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Glenn	Moses	Smoot
Bingham	Goff	Norris	Steiwer
Bratton	Harris	Nye	Townsend
Brookhart	Hatfield	Oddie	Trammell
Burton	Hawes	Overman	Tydings
Capper	Hebert	Phipps	Tyson
Connally	Heflin	Pine	Vandenberg
Couzens	Howell	Reed	Wagner
Cutting	Johnson	Sackett	Walcott
Deneen	King	Schall	Walsh, Mont.
Dill	La Follette	Sheppard	Warren
Edge	McKellar	Shortridge	Waterman
Fletcher	McMaster	Simmons	Watson
Frazier	McNary	Smith	Wheeler

Mr. HEFLIN. I desire to announce that my colleague [Mr. BLACK] is absent on account of illness.

The PRESIDENT pro tempore. Fifty-six Senators having answered to their names, a quorum is present.

Mr. NORRIS. Mr. President, I ask unanimous consent that to-morrow after the conclusion of the remarks of the Senator from Pennsylvania [Mr. REED] the unfinished business be temporarily laid aside and that Senate Joint Resolution 3 be laid before the Senate; that 30 minutes after it is laid before the Senate the Senate shall proceed to vote upon its passage; and that the 30 minutes before the vote is taken be given to the Senator from Connecticut [Mr. BINGHAM].

Mr. SHORTRIDGE. Mr. President, that course, I understand, would prevent any other Senator from making a few remarks if so disposed, would it not?

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. If all the time should be consumed by the Senator from Connecticut.

The PRESIDENT pro tempore. The Chair is in doubt whether such a unanimous-consent request can be entertained under the circumstances. Under the rule a request for unanimous consent to fix a time for a final vote should be made, and then a roll call taken. However, in the absence of objection, it may go on.

Mr. SHORTRIDGE. In order that I may fully understand the request, I do object until I understand more thoroughly the situation. It may well be that some Senator might desire to speak 3 or 4 or 5 minutes on the proposed amendment.

Mr. NORRIS. I do not want to preclude any Senator who may desire to speak, if there is such.

Mr. SHORTRIDGE. Why not fix the time at an hour?

Mr. NORRIS. I will change the request and ask that the unfinished business be temporarily laid aside, that Senate Joint Resolution 3 be laid before the Senate, and that a vote be had upon it after debate not to exceed one hour.

Mr. REED. Of which the first 30 minutes will be given to the Senator from Connecticut.

Mr. NORRIS. Of which the first 30 minutes shall be given to the Senator from Connecticut.

Mr. BINGHAM. Mr. President, this very great generosity, giving me 30 minutes in the middle of the luncheon hour, is something I fully appreciate, but I would scarcely take up any time at all at that hour of the day. My only object in speaking on the joint resolution was not to filibuster against it, as has been so courteously implied by the Senator from Tennesee and the Senator from Nebraska, but rather to bring the matter to the attention of the new Senators, who have not heard the previous debate and who have not committed themselves on the measure. I assume that the great majority of the Senators who voted in favor of the joint resolution during the last session, and the session before, and the session before that, will see no reason for changing their votes, and that the only hope those of us who are opposed to the measure may have is that of winning the support of a few of the Senators who have not listened to the debate previously or committed themselves by their votes.

I would have no objection whatever to entering into an agreement if I might have the opportunity of speaking the first thing Friday morning. I shall promise not to take more than half an hour if I may be recognized at that time for that purpose.

Mr. NORRIS. I will change the request. I ask unanimous consent that on the convening of the Senate Friday, day after to-morrow, the unfinished business, if any, shall be temporarily laid aside, that Senate Joint Resolution 3 shall be laid before the Senate, that the Senator from Connecticut shall be given 30 minutes to debate the question, and that the Senate shall vote upon it one hour after it is taken up.

Mr. REED. Not more than one hour?

Mr. NORRIS. Not more than one hour.

Mr. McNARY. May I say this to the Senator: If my opinion is sustained, the House conferees will to-morrow present to the House the farm relief bill in the shape of a conference report, and it is my intention to call it up for consideration in the Senate as quickly as it is received here. I do not expect it before 3 o'clock on that day.

Mr. NORRIS. The order under this request would expire at 1 o'clock.

Mr. McNARY. Very well; I have no objection to fixing 1 o'clock.

The PRESIDENT pro tempore. The Chair wants to get the matter straight in its mind——

Mr. SHORTRIDGE. Why not make it applicable to to-morrow?

The PRESIDENT pro tempore. The form of the unanimous-consent agreement submitted by the Senator from Nebraska might be contingent upon the fact whether the Senate adjourned or recessed to-morrow until Friday.

Mr. NORRIS. I hardly think so, if we had that unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair did not understand the Senator from Nebraska to couple his request with the condition that the Senate should take a recess from to-morrow until Friday.

Mr. NORRIS. If it will help the Chair any, I will ask unanimous consent that at the conclusion of business to-morrow the Senate take a recess until Friday at 12 o'clock; that at that hour the unfinished business, if any, shall be temporarily laid aside and that Senate Joint Resolution No. 3 shall be laid before the Senate; that a vote on the passage of the resolution shall be had not later than one hour after it is laid before the Senate; and that the first 30 minutes of that time shall be given to the Senator from Connecticut [Mr. BINGHAM].

Mr. BINGHAM. Mr. President, I want to thank the Senator for his courtesy in changing his unanimous-consent agreement and to say that I hope the Senate will agree to it.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and the unanimous-consent agreement is entered into.

RECESS

Mr. WATSON. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 55 minutes p. m.) took a recess until to-morrow, Thursday, June 6, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *June 5, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

While our days are passing by, our Heavenly Father, we praise Thee. How lovingly Thou dost brood over Thy children. The glories of Thy kingdom are love and joy and rest. Thy mercy, O God! The amazing wonder of it! Time does not breathe upon it; it stretches far beyond the tomb and the cloud. How the thought stirs and rejoices us. Merciful and gracious, here and now and forevermore. Hear us, Father. By candor and by courage may the right prevail to-day. Renew our strength and freshen our intellects by fellowship with the good, the true, and the beautiful. In the name of Jesus our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 1648. An act to amend section 5 of the second Liberty bond act, as amended.

The message also announced that the Senate has passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1142. An act to continue, during the fiscal year 1930, Federal aid in rehabilitating farm lands in the areas devastated by floods in 1927;

S. 1312. An act to amend sections 182, 183, and 184 of chapter 6 of title 44, of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD;

S. J. Res. 5. Joint resolution amending the act entitled "An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.," approved May 16, 1928; and

S. Con. Res. 13. Concurrent resolution to print and bind the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall of the statue of Wade Hampton, presented by the State of South Carolina.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1312. An act to amend sections 182, 183, and 184 of chapter 6 of title 44 of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD; to the Committee on Printing.

S. Con. Res. 13. Concurrent resolution to print and bind the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall of the statue of Wade Hampton, presented by the State of South Carolina; to the Committee on Printing.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. J. Res. 61. Joint resolution to amend the appropriation "Organizing the Naval Reserve, 1930";

H. J. Res. 82. Joint resolution making appropriations for additional compensation for transportation of the mail by railroad routes in accordance with the increased rates fixed by the Interstate Commerce Commission; and

H. J. Res. 84. Joint resolution extending until June 30, 1930, the availability of the appropriation for enlarging and relocating the Botanic Garden.

ARTICLE BY HON. CHARLES G. EDWARDS, OF GEORGIA

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article written by my colleague the gentleman from Georgia [Mr. EDWARDS] on the subject of the battle field of Gettysburg.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, under consent to extend my remarks in the RECORD, I insert the following article written by my colleague, Mr. EDWARDS, of Georgia:

[From the Savannah Press]

A VISIT TO GETTYSBURG

All my life I have wanted to go through the battle fields in Virginia and over the one at Gettysburg. In returning to Washington recently, accompanied by my family, it was our pleasure to see a great many of the battle fields in Virginia. Last Sunday, accompanied by Mrs. Edwards; our son, Beach Edwards; a niece, Miss Evelyn Edwards, of Claxton, and my very dear friend Judge CHARLES R. CRISP, we drove from Washington to Gettysburg to see the battle field at that place, which marked the high tide of the Confederacy and which was the point farthest north reached by the Confederate soldiers during the war between the States.

This is said to be the best-marked battle field in the United States and perhaps in the world. It covers approximately 16,000 acres, and to see it all one has to drive several miles, which we gladly did, under the direction of a guide. We were quite fortunate in getting a good guide. I forgot his name, but he is the son of a Union soldier who was wounded in the Gettysburg fight. This guide seemed quite fair toward the South, and only twice riled our party by referring to the war as the "rebellion."

Judge CRISP'S distinguished father was a Confederate soldier, and so was mine. That he might not make any mistake and say things he should not, we let him know we were from Georgia, which furnished her share of troops to the Confederacy, and that we were both sons of Confederate veterans. By the way, digressing just a bit, the elder Crisp, who was later Speaker of the National House of Representatives, and made for himself a large place in the history of American politics, entered the Confederate service when he was but 16, and was in prison for six months, most of the time at Fort Pulaski, where he was almost starved to death, he having told his son that a "house cat was a delicacy when one could be gotten." So it will be seen that the Union forces did not feed or care for their prisoners so well.

Gettysburg is about 100 miles from Washington. The roads are paved all the way and quite good. We went out by the way of Rockville and Frederick, Md., through a beautiful rolling country, and on to Gettysburg. The town of Gettysburg is an old town. It was a town of only 3,000 in 1863, when one of the fiercest battles ever waged was fought in and around it.

My father, the late Hon. Thomas J. Edwards, entered the Confederate service quite young—he was but little more than a boy of 18. He served the entire time in Wheeler's cavalry. He had five brothers who wore the gray, two of whom were killed in battle and another who was severely wounded lived a few years and died as the result of wounds he received at Gettysburg. The brothers were not in the same commands. My mother's brother, Rev. W. M. C. Conley, served through the entire war and had often told me of leaving his tracks from his bare and bleeding feet on the rocks in the "valley of death" at Gettysburg. He had told me how the battle had raged, how the Confederates won for the first two days, and then how on the third day the tide turned and Pickett's men were slaughtered; how there had been some confusion in the orders given General Longstreet, and how the Louisiana Tigers charged the batteries of the Union soldiers and had been mowed down by artillery. I had heard stories as a child from my father, my uncles, and other brave men who wore the gray, and I had read history books and accounts of the cruel and unfortunate war; but my visit to Gettysburg brought it so close to me that I could find myself listening for fear the firing that had ceased all these years might start again, and somehow a fear crept over me, as the guide told us so graphically of the battle and showed where Meade stood and directed the forces of the Union troops; and, by the way, where a magnificent equestrian monument stands in his memory; and as he pointed across some open fields to a point on a small hill, in a clump of woods, where the beloved Lee, on old Traveler, stood, where the State of Virginia has erected a magnificent monument to Lee and his horse.

Lee and his horse, Traveler, were both beloved by his men, and so it occurred to me it was a monument to both of them. There are but two—just two—monuments there to the Confederates—the one I have referred to that reflects great honor upon Virginia and one by the State of Maryland to a Maryland regiment. The troops from the latter State were about equally divided between the Union and Confederate forces, and so Maryland has erected two monuments—one to her sons who wore the blue and one to her sons who wore the gray. I was glad to see these monuments, but pained to find there were no more there to the

Confederate soldiers. North Carolina is just now preparing to erect one to the memory of her sons who fought there. Georgia had many sons there—many of them who fell asleep during the battle in the "valley of death"—they sleep a long, glorious sleep. They fell in the land of the enemy, in the thick of battle, they died fighting for Georgia and the South. Gordon, the most commanding figure on horseback I ever saw, was there, and there were Longstreet, Thomas, Wright, and other great Georgians. It thrilled me when the guide had us stop and pointed to a bronze marker upon which was written language indicating that the spot upon which it stood was the position of Gen. John B. Gordon. It was not far from where Lee stood. From the spot where Gordon stood, one can look a short way across the line and see the beautiful stone and bronze monument erected to the spotless Lee riding his beloved horse Traveler. Along the line the cannon are arranged as they were during the battle.

The battle opened on July 1; it went all through the 2d and up to 4.30 o'clock in the afternoon of July 3. The first two days were won by the Confederates. The Union soldiers were routed and driven back through the city. Meade ordered fresh troops and supplies and gave battle again on the 3d. I will not go into the question of the mix-up in the Longstreet orders. There are questions about that. One thing is certain. If they wanted Longstreet and his men to cross that open field in the face of the battery of 72 large guns and the other engines of death, I can not, at this calm period, much blame him for not wanting to go into that death trap. Just what the plans were I will not attempt to relate, for I have what approaches a reverence for all the Confederate officers and soldiers and I do not want to be misunderstood. I am not criticizing anyone, for they were there that awful day, July 3, and they knew what was taking place and what took place, and, of course, they did what they thought and knew to be best, all of them, God bless their noble memories. Down in my heart, I thank God I was not there, for I hardly see how any living thing escaped alive. While I was thrilled to hear and read of the bravery and daring of our men, and I confess I was at times proud of the bravery shown by the Union soldiers, for it is now a common heritage and at this late day we, as Americans, are proud of brave deeds of Americans, no matter whether they wore the blue or the gray. I frankly confess, more often I was sad, for I knew our men were not equipped or as well clothed or fed as were the Union soldiers. We were told by our guide, who seemed to know the history of the battle very well, that there were 85,000 Confederate soldiers and 90,000 Union soldiers engaged in that fierce battle.

I fear I am making this too long to be readable, and yet there is so much about that awful battle one could write almost a week and not tell half the story. I will condense and hasten along. I was anxious to see the "valley of death" that lies between little round knob and Devils Den—I think that is what the guide called it. Anyway, the latter place is a heap of rough and rugged rocks, where many Confederate sharpshooters were stationed, and from which point they picked off the gunners at the Yankee batteries on the knob or hill to such an alarming extent they almost silenced the guns, and it became so serious the general in command of that part of the Union troops had to retaliate by hurriedly calling on General Meade to send him a lot of the best sharpshooters he had, and in this way he was able to offset the horrible work the southern marksmen were doing. They then began to pick off the Confederate sharpshooters, and I saw a cliff in the rocks where 17 Confederate sharpshooters were picked off, one after another. The soldiers of both sides charged over and across the valley of death, back and forth, several times, until on the third day, when the battle was over, thousands of dead men of both armies were piled up, until it was impossible to walk in that valley without stepping upon dead soldiers. The little rivulet, a mere ditch, but a little stream of water, runs down through this valley. It was called the "river of blood." The poor, wounded, bleeding, and dying soldiers of both sides, thirsty and fainty, craving water, tried to drink, but in the opening of the battle the little stream became red like blood, flowing from the veins of brothers grappling in the greatest fratricidal strife history has ever known. They saw their blood flowing down the rivulet and commingling as it went on its way to the sea.

Then we were shown where the Louisiana Tigers, 1,700 of them, charged on the other side of town, trying to take a Yankee battery on the hill. Slocum's field artillery was shifted around on a point of vantage and opened fire upon them down the valley. It swept them like a rain of destruction.

Out of the 1,700 who made the desperate charge and who were fired upon from the flank only about 400 survived. This was on the same day Pickett's men made their charge across an open field. It is impossible to describe just how it looked, but evidently Pickett's men were led into a trap. The guide told us that his father and other Union soldiers told him that Meade's men ceased firing in order to cool their guns and to conserve ammunition, and that evidently Pickett's men thought they were preparing to retreat or were out of ammunition, since they no longer answered Lee's batteries, and then it was that Pickett's division of 4,800 men, then the flower of the southern army, began its charge across the open field, coming out as if on dress parade, many of them carrying their rifles across their necks. When within a few hundred yards of the Union batteries the big guns, as well as the light artillery on the Union side, opened up on them, in the open and mowed them down unmercifully. The objective was a small clump of trees where Meade himself stood. Some of the gallant Confederate soldiers reached the objective. General Armistead scaled the stone wall behind which Meade and his men were fighting and, with his gray cap on his sword, shouted, "Give them the cold steel, boys!" And then he was shot dead, and his lifeless body fell across the tongue of one of the Yankee gun carriages. A few Confederate soldiers also scaled the wall and engaged, hand to hand, in battle, but were captured. When this particular charge was over out of the 4,800 who went into the charge there were only about 400 who survived. Nothing like it on record before. It was not equaled by the charge of the Light Brigade.

We were shown places where hand-to-hand fighting, with fists, clubs, gun butts, and even with rocks, took place. We went to the old spring where men on both sides drank.

There are several thousand monuments erected there to Union soldiers. Some are very handsome. There are at present but two to Confederate soldiers. Georgia ought to have one to its soldiers who fought there. I hope a movement will be started to that end and carried to a conclusion. The Daughters and Sons of the South ought to erect one great master monument there to our men.

It was a trip worth while for me. Everyone who can ought to go and see the battle field at Gettysburg. I came off prouder than ever of my heritage as a son of the South.

HON. THOMAS C. M'RAE

Mr. GLOVER. Mr. Speaker, I ask unanimous consent to address the House for two minutes to announce the death of a former Member of the House.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen, it is with a great degree of sadness that we announce to you the death of a former Member of this House, the Hon. Thomas C. McRae, of Arkansas, who died at Prescott, Ark., on the 3d of this month at the age of 77 years.

Mr. McRae was elected to the Legislature of Arkansas in his early young manhood, at the age of about 26 or 27, and served in the general assembly of that State for more than 20 years. Many of the laws of Arkansas that we have in force to-day were bills introduced by him, which were passed and became the law. After he had served for 20 years in that body he was elected to the Congress in 1885 and served in this body for 18 years, until 1903. After this he was elected in 1920 as Governor of the State of Arkansas, and was reelected to that office in 1922 and served for four years.

He has had an active service in the Congress of the United States and in Arkansas in office for more than 50 years.

I am glad to say for him that there is not a stain either on his private or public record. He was a man who numbered his friends by those who knew him. He was a Democrat of the old type. Many of you, I presume, who are here now have served with him in this body.

I move you, Mr. Speaker, that the Speaker be authorized and directed to send a telegram of condolence to Mrs. Thomas C. McRae at Prescott, Ark., expressing the condolences of this body to her in her sad hour of grief and bereavement.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FARM RELIEF

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House from the Committee on Agriculture may have until midnight to-night to file their conference report in the hope that we may have a vote to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the conferees on the farm bill be given until 12 o'clock to-night to file a conference report. Is there objection?

There was no objection.

AMENDMENT OF THE SECOND LIBERTY BOND ACT

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1648) to amend section 5 of the second Liberty bond act, as amended, with Senate amendments, disagree to the Senate amendments, ask for a conference, and appoint conferees.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill H. R. 1648, with a Senate amendment, disagree to the Senate amendment, ask for a conference, and appoint conferees. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. HAWLEY, TREADWAY, BACHARACH, GARNER, and COLLIER.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from Oregon [Mr. HAWLEY] when he hopes to get the conference in action so as to dispose of this matter?

Mr. HAWLEY. Just as soon as possible. The Senate will have to appoint conferees.

Mr. GARNER. Will the gentleman try to hasten the matter as much as possible?

Mr. HAWLEY. As much as possible; yes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Thursday, June 6, 1929, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 3687) to amend section 102 of the Judicial Code; to the Committee on the Judiciary.

Also, a bill (H. R. 3688) to provide for the construction of the Deschutes project in Oregon, and for other purposes; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 3689) authorizing the construction of a canal for the diversion within the city of Klamath Falls, Oreg., of the main canal of the Klamath project; to the Committee on Irrigation and Reclamation.

By Mr. SCHAFER of Wisconsin: A bill (H. R. 3690) to authorize the Comptroller General of the United States to audit post funds of the National Home for Disabled Volunteer Soldiers and its branches, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. SABATH: Joint resolution (H. J. Res. 99) proposing an amendment to the eighteenth amendment of the Constitution; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Florida, favoring the removal of the debenture plan from the farm relief bill; to the Committee on Agriculture.

Memorial of the Legislature of the State of Florida, relative to the Gulf Coast Highway in the State of Florida; to the Committee on Roads.

By Mr. DRANE: Memorial of the Legislature of the State of Florida, relative to the Gulf Coast Highway in the State of Florida; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 3691) for the relief of Citizens Home & Savings Co.; to the Committee on Ways and Means.

By Mr. BUTLER: A bill (H. R. 3692) for the relief of George Press; to the Committee on Military Affairs.

By Mr. CARTER of California: A bill (H. R. 3693) for the relief of Frank R. Carpenter, alias Frank R. Carvin; to the Committee on Military Affairs.

Also, a bill (H. R. 3694) for the relief of Bert H. Libbey, alias Burt H. Libbey; to the Committee on Military Affairs.

Also, a bill (H. R. 3695) for the relief of William Smerden; to the Committee on Military Affairs.

Also, a bill (H. R. 3696) for the relief of Charles W. Langridge; to the Committee on Claims.

Also, a bill (H. R. 3697) for the relief of Douglas B. Espy; to the Committee on Claims.

Also, a bill (H. R. 3698) to place Sprague B. Wyman on the retired list of the United States Army as a captain; to the Committee on Military Affairs.

By Mr. CHINDBLOM: A bill (H. R. 3699) for the relief of William J. McKenna; to the Committee on Military Affairs.

By Mr. CROWTHER: A bill (H. R. 3700) granting a pension to Isabella M. Playford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3701) granting an increase of pension to Lena Kemmis; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 3702) granting a pension to Sarah E. Tillery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3703) granting a pension to George W. Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3704) granting a pension to Nancy J. Tarter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3705) granting a pension to Martha E. Robbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3706) granting a pension to Mary E. Parnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3707) granting a pension to Mary A. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3708) granting an increase of pension to Esther J. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3709) granting a pension to Agnes P. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3710) granting a pension to Bertha C. Hammer Rentfrow Quick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3711) granting a pension to Jane Mosier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3712) granting an increase of pension to Nancy J. Edwards; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 3713) granting a pension to Aaron McIntosh; to the Committee on Invalid Pensions.

By Mr. SCHAFER of Wisconsin: A bill (H. R. 3714) for the relief of Howard Emmett Tallmadge; to the Committee on Naval Affairs.

By Mr. SMITH of West Virginia: A bill (H. R. 3715) granting an increase of pension to Alice M. McCoy; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 3716) for the relief of Lewis M. Haupt; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

610. By Mr. BOYLAN: Communication from Loose Wiles Biscuit Co., protesting against increase in duty on figs; to the Committee on Ways and Means.

611. Also, communication from the United Swiss Societies of Greater New York, in re immigration; to the Committee on Immigration and Naturalization.

612. Also, copy of resolution adopted by executive committee of the National Association of Railroad and Utilities Commissioners, opposing any enlargement of Federal authority, etc.; to the Committee on Interstate and Foreign Commerce.

613. By Mr. SMITH of West Virginia: Petition of citizens of Kanawha County, W. Va., urging the passage of the Civil War pension bill, with rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

614. By Mr. TAYLOR of Tennessee: Evidence in support of House bill 3683, granting a pension to Mary J. Wells; to the Committee on Invalid Pensions.

615. By Mr. THURSTON: Petition of 120 citizens of Osceola, Iowa, petitioning the Congress to enact legislation for the increase of pensions allowed to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *June 6, 1929*

(Legislative day of Tuesday, June 4, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the President of the United States.

PRESIDENTIAL APPROVAL

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that to-day the President had approved and signed the joint resolution (S. J. Res. 34) authorizing the Smithsonian Institution to convey suitable acknowledgment to John Gellatly for his offer to the Nation of his art collection, and to include in its estimates of appropriations such sums as may be needful for the preservation and maintenance of the collection.

FLOOD-CONTROL PLANS OF LOUIS WARNER

The VICE PRESIDENT laid before the Senate a communication from Louis Warner, of Chenoa, Ill., transmitting his general plans, in the form of a brief, to overcome river floods, which was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a memorial of the Legislature of the State of Florida, requesting the en-